

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN RIGHTS,
et al.,

Plaintiffs,

v.

CITY OF LOS ANGELES, et al.,

Defendants.

Case No.

LA CV 20-02291-

DOC-KES

HEARING

DATE: Wednesday, May 13, 2020

TIME: 10:01 a.m.

BEFORE: Honorable David O. Carter

LOCATION: Alexandria Hotel Ballroom

501 South Spring Street

Los Angeles, CA 90013

REPORTED BY: Austin Che, Notary Public

JOB No.: 4110812

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ALSO PRESENT:

Jenny Chavez, Chief of Staff to Joe Buscaino

Elizabeth Chou, Los Angeles Daily News

Sarah Dusseault, Los Angeles Homeless Services
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Heidi Marston, Interim Executive Director, Los
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Michele Martinez, Special Master

Byron McLain, Esq., Foley & Lardner LLP

Christina Miller, Deputy Mayor for City
Homelessness Initiatives LA, City of Los Angeles

Shayla Myers, Esq., Legal Aid Foundation of Los
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Ackley Padilla, Chief of Staff to Nury Martinez

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E X H I B I T S

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(None marked.)

P R O C E E D I N G S

JUDGE CARTER: We're on the record, and the parties are present. And first of all, I think that what you need to hear from the Court is that when the Court is wrong about something, that we have either the integrity or the ability to say we're sorry. Isn't that refreshing? This Court's never done that.

I want to apologize for last week because the heart of the program was not the initial phase of Caltrans and other things that we talked about. And I want to tell you that I got sidetracked, which is totally my responsibility, because when you asked to have an hour, I wanted to graciously give that to you.

But as we were standing, Christina, Heidi, you have other things to do. And I didn't want to bring you back at 3:30 or 4 o'clock. I didn't think that was appropriate. Once I'd led you go, I wanted to let you go. That getting off track is my responsibility. I want to apologize to you for that because the meat of the program is not what we got to.

So Michele has been working literally night and day at the special master's highly exorbitant of nothing, free, because she's donating her time just like Judge Smith. And I will tell you that if I was paying her, I want the city and the county to tell you,

1 for the time I've spent with both Judge Smith and with
2 Michele, that it would be well over a million dollars.
3 And Judge Smith's past involvement with Orange County,
4 that's \$1.4 million of gratuitous time that he has just
5 donated because he works with JAMS and it has a low rate
6 of \$600 to \$1,000 an hour. You can imagine what that
7 is. That's a public service.

8 So Michele has absolutely volunteered and
9 been involved with us for three years just because she
10 wants to see a better system.

11 So after that apology, we're going to get
12 back on track today. Michele, I'm going to turn this
13 over to you.

14 MS. MARTINEZ: Great. Thank you, Your
15 Honor. And thank you all for being here and thank you
16 for providing the confidential documents that you've
17 shared with the Court as we move with proceedings. And
18 I'm going to lower this so that you all can hear me.

19 As the judge was speaking, that we want
20 to talk about a structure of how these settlement
21 negotiations are going to look like and one obviously
22 that you all have seen is what the housing
23 accommodations will look like for you all. And then
24 obviously I think what we've all heard in this room is a
25 lot of the barriers and the red tape and the stuff

1 that's not working. I think that's what we hear a lot.
2 It's everything that is not working.

3 What I want to hear from you all today is
4 what is working. And let's build on that. Let's scale
5 that up because we can sit here time and time, talk
6 about all the problems, all the barriers and never move
7 the needle forward. And I think we're all here because
8 we want to move the needle forward.

9 And so, before I get off-page here, you
10 know, I want to read a couple of statements, as Judge
11 Carter read last time around. And obviously these are
12 my statements. But I want to inform you all that I
13 believe that the path ahead is going to be full of
14 obstacles. But the biggest challenge for all of us is
15 to keep the end goal in mind.

16 Transforming these words into a living
17 document that's mirrored in day-to-day actions is not
18 something that is going to happen immediately. It will
19 take a concerted and consistent effort over time. But
20 history has shown us, whether it's through dramatic
21 reductions in smoking, alcohol-related fatalities,
22 traffic fatalities, that bold goals seem impossible
23 until they're not.

24 This will require taking a bird's eye
25 view of the issues, one that considers a big picture and

1 what it truly means to end homelessness. To truly scale
2 this up, and I said this a little earlier, is that there
3 has been tremendous work that LAHSA has done, the city
4 of Los Angeles has done, the county of Los Angeles.

5 And as the judge continues to say,
6 there's inertia. And I believe that if we want the
7 assistance of the Court, if we want to move the needle
8 forward, we have to have a structure in place that is
9 going to focus on the things that have worked.

10 And so, what we want to hear from you all
11 today is what has worked and how can we scale that up.
12 So based on your housing accommodations, whether it's
13 bridge housing that's been successful, whether it's been
14 scattered sites that's been successful.

15 Obviously we know that permanent housing,
16 that you all have invested a tremendous amount of money.
17 That's on the back end. We will not see that housing
18 for three, four, five years. But in the interim, the
19 things that have worked, how can we scale those up now.

20 And the judge has talked about a 60
21 percent figure, whether it's going to be 60 percent, 70
22 percent based on the 2019 count, based on the 2020
23 count. All of that is irrelevant. What I want to hear
24 from you all first, what has worked specifically on
25 housing accommodations.

1 And so, I'm going to pause there and
2 let's start that dialogue because I've seen in some of
3 your guys' documents, you guys have talked about bridge
4 housing. You've talked about interim housing. You've
5 talked about permanent housing. You've talked about
6 scattered sites. You've talked about safe parking.
7 You've talked about RV parking. We now talk about
8 pallets. We put shed toughs, whatever they're called.
9 All these different housing accommodations and what
10 those placements could look like, hotels and motels that
11 we have people in.

12 And so, from the Court's perspective, we
13 want to hear what can be scaled up. If tomorrow the
14 Court ordered you all to say within 30 days we want x
15 amount of folks to be housed, what would be the plan?
16 What housing accommodations would you bring forward to
17 us to make that happen?

18 And so, I would love to hear from you
19 all. I've had conversations with Shayla, with Carol,
20 with Brooke. I've had conversations with Elizabeth.
21 I've had conversations with both the city and county.
22 And so, we would like to know, you know, collectively
23 because there has to be agreement, what that approach is
24 going to look like as it pertains to those temporary
25 housing accommodations because I think the end game for

1 everyone, you want permanent housing. You want
2 affordable housing. We're not going to get there
3 overnight. And I think realistically we all understand
4 that.

5 But in the interim, to get folks off the
6 street and hypothetically -- I'm just hypothetically --
7 how do you get to that 60 percent. What are those
8 housing accommodations?

9 So I'm going to shut up and open this up
10 to you all and would like to hear on -- and I'll start
11 with you, Elizabeth. I would like to get your
12 perspective on what those housing accommodations can
13 possibly be. I think you've seen on some of the
14 documents from the county and the city what those
15 housing accommodations are.

16 From your perspective, what do you think
17 that is cost-effective, that can get up and going in a
18 short relatively time to get people placed immediately.
19 Love to hear your thoughts.

20 MS. MITCHELL: Sure. I think that one of
21 the things historically has worked really well obviously
22 has been the sprung structure.

23 MS. MARTINEZ: Sprung structures. Okay.

24 MS. MITCHELL: Which are a problem now
25 because I think the congregate shelters are moving

1 forward for the next 18 months are going to be a little
2 bit difficult. And so, I really like the individual
3 options. The pallet shelter that we have out here is I
4 think fantastic. The city obviously already has some.

5 And when you're looking at even for
6 single occupation, you're looking at \$7,600 per bed all
7 in, obviously plus infrastructure. You've got bathroom
8 costs and kitchen costs. But given those, that really
9 low cost per bed, I think is an amazing option. And you
10 don't have to do any infrastructure building which I
11 think is a really positive and can be set up in 20 to 30
12 minutes.

13 There are other options like that. These
14 tiny house villages that we see in Seattle that are
15 fantastic, they're looking at \$4,000 to \$5,000 per bed.
16 And some of those can have, you know, kitchenettes or
17 bathrooms attached if needed.

18 So you all obviously -- you know, you
19 have some of these tents that you can get for \$500 to
20 \$1,000. And I know that tents aren't the ideal option.
21 But when we're talking about a crisis of the magnitude
22 in Los Angeles and you're looking at 60,000 homeless
23 with 44,000 unsheltered in the county, I think those
24 low-cost options need to be explored given particularly
25 the budget crises that we are seeing today with the

1 COVID crisis. So, and I think that those are all
2 particularly good because they allow individual private
3 space during this COVID crisis. So that's what we
4 really advocate for.

5 I would be interested to know the county
6 and the city's perspective certainly on when they say
7 what works and what doesn't. But I do think that the
8 days that we have seen of \$50,000 a bed, \$100,000 a bed
9 is just not feasibly to scale up to 36,000 or 44,000 or
10 whatever we're talking about and then particularly in
11 today's budget crisis.

12 So we would be interested in those low-
13 cost shelter options. I think the pallet is a perfect
14 example.

15 MS. MARTINEZ: I'd like to go to the
16 county now.

17 MR. YOUNG: Sure. I don't think there's
18 any objection to things like pallet shelter. Obviously
19 it's dependent on money and land, just like everything
20 else. And those are just barriers. They're not --

21 MS. MARTINEZ: We'll talk about that
22 later.

23 MR. YOUNG: Yeah. But, you know, we have
24 seen -- first of all, it's not just housing. It's
25 providing the services that go with that housing and

1 doing so --

2 MS. MARTINEZ: And we'll talk about that
3 later. But right now, we're just wanting to talk about
4 -- yeah.

5 MR. YOUNG: So, so things like rapid
6 rehousing have been successful. Those are short-term
7 rental subsidies. And they're controversial in some
8 circles, but short-term rental subsidies where for the
9 price, for example, of converting one hotel room that
10 would be \$200,000, you can house, you know, 20 people.

11 And you get the double benefit of putting
12 somebody -- either maintaining where they live or giving
13 them an apartment so they have an address, privacy to
14 get another job. So that'd be another modality that I
15 think we would like.

16 MS. MARTINEZ: Okay. So rapid rehousing
17 is -- that's it for the county? You believe --

18 MR. YOUNG: No. Well, you asked -- you
19 asked what's successful.

20 MS. MARTINEZ: What works? What has been
21 successful?

22 MR. YOUNG: What's been very successful.

23 MS. MARTINEZ: So just rapid rehousing?

24 MR. YOUNG: Well, no. I mean, interim
25 shelter has been successful --

1 MS. MARTINEZ: Okay.

2 MR. YOUNG: -- both with respect to, you
3 know --

4 MS. MARTINEZ: And what do you mean by
5 interim shelter?

6 MR. YOUNG: So, so it depends. Trailer-
7 based shelters have been useful and they can be popped
8 up. And they can house a fair number of people. And
9 they may come with kitchenettes. And they are a little
10 more robust than pallet shelters. But it just depends
11 on the availability of land.

12 MS. MARTINEZ: Yeah. And we'll talk
13 about land later.

14 MR. YOUNG: But sprung shelters too, you
15 know.

16 MS. MARTINEZ: So, so sprung shelters.

17 MR. YOUNG: Yeah.

18 MS. MARTINEZ: Okay. So on the county
19 side, I have rapid rehousing, interim shelters,
20 particularly trailer-based, pop-up and then sprung
21 shelters. City of Los Angeles?

22 MS. MILLER: Good morning.

23 MS. MARTINEZ: Good morning.

24 JUDGE CARTER: Microphone.

25 MS. MILLER: You know, I would just start

1 by saying that you need to invest in multiple parts of
2 the system in order for any of these things to work
3 well, right? So I think that's what the county was
4 alluding to.

5 Rapid rehousing is great for people who
6 just need short-term rental assistance. Supportive
7 housing is great for people who need supportive housing
8 for the rest of their lives. Interim housing is
9 necessary. I think we've seen in this pandemic you need
10 to have a place where people can be well and healthy and
11 safe off the streets.

12 As far as interim housing goes, I think
13 most ideally is taking an underused vacant building and
14 being able to rehab it for interim housing use. I will
15 say those are very, very hard to find in the city. But
16 when you do find it, that's probably the lowest cost
17 model. It's just challenging to find vacant buildings
18 that you can rehab for low cost.

19 But those are -- when they work, they
20 work really well. And there's an example of that in
21 Council District 1 where we took an existing, you know,
22 residential facility and rehabbed it for very low cost.
23 Obviously the city is standing up somewhere in the
24 neighborhood of 20 sprung structures.

25 So we obviously feel that those are

1 really good temporary solutions. And then finally doing
2 what we can to target homeless prevention resources.
3 Sometimes you can just give a little bit of cash
4 assistance and that stops a family from ever falling
5 into homelessness.

6 MS. MARTINEZ: Correct. And we're going
7 to get -- I'm going to get to that.

8 MS. MILLER: Yeah.

9 MS. MARTINEZ: I'm just right now just
10 specifically just want to talk about --

11 MS. MILLER: Yeah.

12 MS. MARTINEZ: -- the housing
13 accommodation so that I can bring it all together and
14 then we can then say we're all in favor of this, of
15 these particular modalities.

16 MS. MILLER: Yeah.

17 MS. MARTINEZ: And then we can move
18 forward to the next step which will then be how many
19 units we'll be able to provide, what types of services
20 on and so forth. I want -- I think we all need to get
21 on board because there's various parties here.

22 MS. MILLER: Yeah.

23 MS. MARTINEZ: And I think, you know,
24 what the plaintiffs may want or what the interveners
25 think is suitable or what the city or county, we haven't

1 had this discussion. We've read it. But we have not
2 come to terms of what those temporary interim solutions
3 can be so that we can move forward.

4 And so, for the city of LA, if it's only
5 underutilized vacant buildings have been successful
6 because they're low cost and you can rehab those and
7 then sprung structures that you all have and you have
8 about 20 across the city. Is that correct?

9 MS. MILLER: That's right, and obviously
10 the pallet shelters is a thing.

11 MS. MARTINEZ: And obviously the pallet
12 shelters.

13 MS. MILLER: The city has purchased. We
14 have not set them up yet. But we feel confident because
15 they are state-certified --

16 MS. MARTINEZ: Correct.

17 MS. MILLER: -- that they are a really
18 good option and they provide that sort of small-scale --

19 MS. MARTINEZ: Fantastic.

20 MS. MILLER: -- private unit that people
21 sometimes want. I'd also invite my council colleagues
22 to also share from the city's perspective.

23 MS. MARTINEZ: Jenny? Ackley? And I
24 apologize for interrupting when -- because I'm asking
25 for something specific. I think we're very accustomed

1 to wanting to talk about what doesn't work or, you know,
2 wanting to talk about other services and speaking
3 specifically about common housing accommodations that
4 have been successful so that we can scale up.

5 So, you know, I think I've heard and I
6 know the judge has heard all the problems and what has
7 not worked, right? What we want to know is what is
8 working and how can we scale that up.

9 MS. CHAVEZ: Yeah. I mean, we're -- in
10 addition to the things that Christina mentioned, we're
11 very interested in pursuing partnerships with the
12 private sector, with service providers.

13 MS. MARTINEZ: Specifically housing
14 accommodations.

15 MS. CHAVEZ: Yes.

16 MS. MARTINEZ: Okay.

17 MS. CHAVEZ: So, you know, like, for
18 example, you know, we've been talking to Salvation Army
19 --

20 MS. MARTINEZ: Okay. Fantastic.

21 MS. CHAVEZ: -- about potentially, you
22 know, using their existing sites to build them out --

23 MS. MARTINEZ: Okay.

24 MS. CHAVEZ: -- and to form P3 with them.

25 MS. MARTINEZ: Great.

1 MS. CHAVEZ: And, you know, have folks
2 reside in their facilities. But, you know, everything,
3 everything's on the table. And I think the urban
4 campground, the base camps, immediately just putting
5 tents up, like the VA is --

6 MS. MARTINEZ: So right now --

7 JUDGE CARTER: Hold on.

8 MS. MARTINEZ: Jenny, what we want to
9 hear right now is actually what has worked in the city
10 of LA. I will then get to the point -- to the next
11 opportunity what are some potential housing
12 accommodations that we can test and then scale those up
13 later on.

14 MS. CHAVEZ: Yeah.

15 MS. MARTINEZ: So like as you're talking
16 about the Salvation Army and creating a P3, that in
17 Orange County was very successful, right, utilizing
18 that.

19 I'm not sure if you guys have utilized
20 this specific model here in Los Angeles and that you
21 have evidence to back that up that it's been successful,
22 right, because at the end of the day I think we all make
23 assumptions that certain things can work or not work in
24 a specific jurisdiction or in a certain district.

25 And I've tried to tell the judge as well

1 that what we've done in Orange County may not be, you
2 know -- may not be able to work here in Los Angeles.
3 But one thing is certain.

4 As we've partnered up with the P3, we
5 believe that is kind of universal, that when you're
6 interacting with the private sector or the public sector
7 like the Salvation Army, that model has been very
8 successful in Orange County. And so, we do believe --
9 and the judge had the Salvation Army come and say that
10 they had specific sites and they were ready to partner
11 and they're open to that partnership.

12 But here what I would like to know
13 specifically now, what has worked in Los Angeles? What
14 evidence do you have behind that? And then, as we move
15 forward, what are some other temporary innovative,
16 creative things we would like to experiment as it
17 pertains to housing modalities so that we can figure out
18 over a period of time like we should do more of this.

19 JUDGE CARTER: And you started to say
20 about the VA. I want to hear your comments about that
21 because Michele and I have been out there.

22 MS. CHAVEZ: Yes. Yeah. I mean, we have
23 limited sort of knowledge about that. But that's
24 something we'd like to explore.

25 MS. MARTINEZ: Okay.

1 MS. CHAVEZ: But in terms of going back
2 to your original question, I mean, for us, you know, I
3 think permanent supportive housing is a good model.
4 It's not necessarily going to be for everyone. It's not
5 what everyone needs. But it's a good model. So that's
6 something to look at. You know, it's important to look
7 at the bright side of it and not the down side of it --

8 MS. MARTINEZ: Yes.

9 MS. CHAVEZ: -- which is the cost.

10 MS. MARTINEZ: Correct. Yes.

11 MS. MITCHELL: Michele, can I add one
12 thing I forgot?

13 MS. MARTINEZ: Yeah.

14 MS. MITCHELL: And I should have started
15 here originally, just the shared housing model.

16 MS. MARTINEZ: Okay.

17 MS. MITCHELL: So Share and Haven are two
18 examples of that where you're using existing structures
19 that are for lease or for sale and kind of create the
20 community similar to the sober living concept but not
21 being a sober living facility.

22 And that's been widely successful here in
23 the city and the county and elsewhere. And that's
24 because you don't need added infrastructure, you can do
25 that relatively cheaply. And then you also have folks

1 that are contributing, you know, from their SSI checks
2 or whatever to their rent. And so, the end cost is
3 very, very low.

4 I believe that there was a proposal in
5 front of the city council in October of I want to say
6 2017 to house 2,000 people for \$8 million. And so, it's
7 something that's been very successful, low
8 infrastructure costs, et cetera. So that's another
9 model that we would like to phase on.

10 MS. MYERS: Is there -- is there a zoom?

11 MS. MARTINEZ: Ackley? Then I'll go --

12 MR. PADILLA: I think the only thing to
13 add is there's been a lot of models that we've tried.
14 There's been a lot of models proposed. Part of the
15 discussions that have really accelerated at the city
16 side is narrowing this conversation down almost to the
17 immediate --

18 MS. MARTINEZ: Exactly.

19 MR. PADILLA: -- which is the COVID
20 crisis, the hard shelters and how to do it and
21 recognizing on both of those we have a finite amount of
22 time to do any needed calculation in the sense of the
23 hotel leases have a fixed term. The park sites at some
24 time will need to reopen to the general public as well.
25 And what we cannot do is just close the doors and let

1 everybody be back out on the street.

2 So the conversation that has truly
3 accelerated over the last few days is looking at that
4 population and recognizing what are the distinctions and
5 needs within that and how we can develop a specific game
6 plan for those.

7 And in that there's been many
8 conversations about extending the hotel lease, whether
9 that's the appropriate way to go, utilizing some of the
10 Caltrans lots, which we can do trailers or pods, all of
11 those. You know, we don't have an answer exactly for
12 you today on it. But I think we've gotten so much
13 closer to having more clarity on developing the
14 transition plan for that population.

15 And I think that exercise is going to be
16 truly helpful on establishing how we're going to tackle
17 the larger issue and what specifically does work. You
18 know, the sprung structures have had some success. But
19 -- a shared housing option and so forth. But some of
20 them are not going to be online as fast as we want.

21 MS. MARTINEZ: Correct.

22 MR. PADILLA: And I think we understand
23 that. But we have an immediate obligation that we have
24 to deal with quickly.

25 MS. MARTINEZ: Correct.

1 MR. PADILLA: And it's easier for us to
2 knowingly make a long-term plan and decisions taking
3 that into account, what the timeframe would be for
4 certain options to come up online or how quickly can we
5 get those. Then that's when we balance out I think the
6 financial conversation that we need to have on the city
7 end, the service provision and all those elements.

8 But just to be upfront, I think the
9 immediate conversation that this Court has truly
10 jumpstarted for us has been some immediate response.

11 MS. MARTINEZ: And we'll get there.
12 We're just wanting to talk -- identify various types of
13 housing accommodations that have been successful and
14 then -- and the potential for exploring new housing type
15 modalities that we can get up and running very quickly
16 that are cost-effective, that are not going to be the
17 exorbitant cost of a sprung shelter, right?

18 We've heard that one of them costs \$2.3
19 million. You're not going to be able to provide 20 or
20 40 more of those to impact the majority of the folks
21 that are out -- that are homeless and that are
22 unsheltered, right? So that's -- we understand that
23 that's kind of unrealistic. And so, we're looking for
24 other opportunities.

25 But there has to be a broad agreement

1 amongst everyone here that these are the types of
2 modalities that we want to focus on. So next I will go
3 with Shayla and Brooke.

4 MS. MYERS: So, and we've talked about
5 this from the beginning, is hotels and motel
6 conversions.

7 MS. MARTINEZ: Yeah.

8 MS. MYERS: But looking specifically at
9 distressed properties that are coming online, I mean,
10 there is an opportunity that the city and county are
11 going to see that we probably will not see for a long
12 time which is the fire sale when the tourism industry
13 doesn't come back in certain locations. There will be
14 an opportunity to bring on distressed properties online.

15 MS. MARTINEZ: So Shayla, before you talk
16 about distressed properties or other opportunities, in
17 particular have you seen the city or currently the
18 county or LAHSA that have produced successful types of
19 modalities --

20 MS. MYERS: Absolutely.

21 MS. MARTINEZ: -- that we should scale
22 up? Let's talk about that first.

23 MS. MYERS: Sure.

24 MS. MARTINEZ: And then talk about the
25 other innovative strategies in regards to housing.

1 MS. MYERS: And so, we don't see hotel
2 and motel conversions as innovative. We see it as an
3 opportunity.

4 MS. MARTINEZ: It's an opportunity.
5 Okay.

6 MS. MYERS: But because it's a model that
7 has proven itself time and time again.

8 MS. MARTINEZ: Yeah. Okay.

9 MS. MYERS: Skid Row and the majority of
10 affordable housing that exists in Skid Row and Westlake
11 and other communities is effectively hotel and motel
12 conversions because they're residential hotels that are
13 now permanent supportive housing.

14 MS. MARTINEZ: Okay.

15 MS. MYERS: Some of that can be cost-
16 effective. Some of it can be very expensive. Hollywood
17 has a perfect example of Step Up on Vine that adapted a
18 hotel and turned it into permanent supportive housing.
19 It is a model that works and it's an opportunity.

20 MS. MARTINEZ: Correct. Agreed.

21 MS. MYERS: That's why I lead with that.

22 MS. MARTINEZ: And so, you're looking at
23 it like twofold. One, there can be conversions and then
24 also kind of a lease, on a lease basis.

25 MS. MYERS: Sure. And that is possible

1 under the city's hotel conversion unit.

2 MS. MARTINEZ: Correct. Yeah.

3 MS. MYERS: We agree with adaptive reuse.

4 MS. MARTINEZ: Okay.

5 MS. MYERS: Anything that can keep city
6 and county properties in the hands of the city and
7 county and turn the available stock of buildings into
8 housing is a great model. So we agree with Christina on
9 that point.

10 Modular units is not something LA has
11 tried. But to echo Michele's point, it's been tried in
12 other -- or Liz's point, it's been tried in other
13 places, so great.

14 One thing I have not heard mentioned but
15 we actually think is a fantastic model is the flexible
16 spending housing pool. It is funded by city and county
17 money to basically model the Section 8 program for folks
18 who are most at risk of medical costs. It is a
19 fantastic program that takes otherwise unaffordable
20 units and brings them back into affordable.

21 So that's what we're looking for is
22 anything that adds beds, adds housing and adds
23 affordable. Affordable housing, when we're talking
24 about density bonuses and the creation of affordable
25 housing in conjunction with market rate housing is very

1 successful and positive.

2 And then, the creation of RV lots. This
3 has not been something that historically the government
4 has been involved in. But it has been a stock of
5 housing that's been available to people forever. We
6 have a lot of people who are living in RVs. If you --
7 we know the concept of RV lots works. We just don't
8 provide it as an opportunity for folks.

9 MS. MARTINEZ: And I know Oakland and --
10 Oakland now has RV lots. So I've done my research. I
11 want you all to know. So I've done my research. I know
12 who has done what.

13 MS. MYERS: Yeah.

14 MS. MARTINEZ: And specifically in
15 regards to RV lots that they've created, Oakland is one
16 of the first cities to do that.

17 MS. MYERS: Yeah. And --

18 MS. MARTINEZ: And they have been
19 measuring. It's been successful.

20 MS. MYERS: And these are private
21 facilities --

22 MS. MARTINEZ: Correct.

23 MS. MYERS: -- in LA County, right? But
24 the idea is -- and this is different than safe parking,
25 right? This is not -- safe parking is 13 or 12 hours.

1 The person leaves. This is literally a spot that's
2 available for an RV for the RV to exist as housing.
3 It's like what they're doing with the fancy government
4 trailers. You just do it with the people who have their
5 own trailers. So obviously you all know what is not on
6 our list, which is sprung structures and congregate
7 shelters. We --

8 MS. MARTINEZ: Yes. And so, I have a --

9 MS. MYERS: I'll leave it at that.

10 MS. MARTINEZ: Yes. Yes. Brooke, is
11 there anything else you would like to add?

12 MS. WEITZMAN: I don't think anything --

13 MS. MARTINEZ: Okay.

14 MS. WEITZMAN: I can't think of anything
15 -- well, I can think of a thousand things. But I think
16 she pretty much covered them all.

17 MS. MARTINEZ: Fantastic. Heidi?

18 MS. MARSTON: So I agree with what's been
19 said. I think from the LAHSA side it's important to
20 note that we put out a system analysis that looked at
21 all of our housing interventions just recently. And I
22 think the key to all of this is having the right
23 proportions, right?

24 MS. MARTINEZ: Correct.

25 MS. MARSTON: Semi-permanent housing with

1 no permanent housing, off balance.

2 MS. MARTINEZ: Yes.

3 MS. MARSTON: So I think to the extent
4 that we can ground ourselves in something like that that
5 looks at what's been successful, which is everything
6 that's been mentioned, both rapid rehousing, permanent
7 housing, interim housing, all of that works in
8 proportionality and scaling it up in the right way is
9 the key.

10 MS. MARTINEZ: Exactly.

11 MS. MARSTON: And we do have a way to get
12 there. We know what it costs to get there. So I think
13 we can follow that trajectory. The only thing I would
14 add I don't think that has been mentioned yet is the
15 need for permanent housing for folks who need a higher
16 level of care and don't have the ability to care for
17 themselves, so their activities of daily living.

18 So these might be your board and care
19 facilities, your assisted living facilities. Some
20 people who are experiencing homelessness are too sick to
21 live on their own independently. So that was a really
22 important step in all of this that should be considered.
23 But we also look at that in our system analysis.

24 MS. MITCHELL: And Michele, Your Honor,
25 we Carol on Zoom now, just --

1 MS. MARTINEZ: Okay. Fantastic. Carol,
2 is there anything you would like to add as it pertains
3 to housing accommodations that have been successful in
4 the city and county and/or potential new housing
5 accommodations that we possibly can scale up at a
6 reasonable time that would be an emergency interim
7 solution? I don't hear her.

8 JUDGE CARTER: We can't hear her.

9 MS. MARTINEZ: But I've --

10 MS. MITCHELL: Carol?

11 MS. MARTINEZ: I've asked her this
12 question before. And Carol has always alluded to motels
13 and hotels, adaptive reuse, so pretty much what Shayla
14 has said. And so --

15 MS. WEITZMAN: And other --

16 MS. MARTINEZ: Yes. Correct.

17 MS. WEITZMAN: Anything sustainable,
18 long-term and private.

19 MS. MARTINEZ: And we'll get there. I
20 just specifically just want to talk about the housing
21 accommodations again of what's worked and then what can
22 we scale up and then as well, you know, I keep on saying
23 the hypothetical 60 percent, how you're going to get
24 there, right? And you're not going to do it all by
25 permanent housing. You're not all going to do it just

1 by sprung tents. You're not all going to do it by
2 motels and hotels. There has to be a certain percentage
3 to get here.

4 But we needed some -- we need some
5 agreement. And, you know, and there is a little
6 disagreement because one thing that I did not hear from
7 the interveners and Shayla shared with us was the really
8 supporting the sprung shelters. You all talked about
9 sprung shelters, the county, the city, right?

10 MS. MITCHELL: So have we.

11 MS. MARTINEZ: So has -- and so has Liz.
12 But the interveners, no on sprung shelters, right? They
13 have not talked about that. And so, I think as we move
14 forward, everything else there has been agreement on.

15 And I would like to ask the question, and
16 maybe you don't have these figures now. But what we've
17 been told by certain councilmembers, that the cost for a
18 sprung shelter is about \$2.3 million to \$3 million. Is
19 that an accurate figure? Is that something that you all
20 can continue to do post-COVID-19?

21 JUDGE CARTER: I would add --

22 MS. WEITZMAN: Carol said she's trying to
23 add her list.

24 MS. MARTINEZ: I can't hear her.

25 MS. MITCHELL: She's not -- she's not

1 muted and it doesn't say she's saying anything.

2 MS. SOBEL: Because somebody else was
3 talking.

4 MS. MITCHELL: There you go.

5 MS. MARTINEZ: Okay. Go ahead, Carol.

6 MS. SOBEL: Okay. So I have a couple of
7 things to say. One is, Michele, I heard you again talk
8 about 60 percent. I want to be absolutely clear --

9 MS. MARTINEZ: I said hypothetical,
10 Carol.

11 MS. SOBEL: Even as a hypothetical, it
12 isn't worth discussing, okay? That's just -- that's my
13 point of view.

14 Number two is -- and I realize that I'm
15 not present. But I really would like a bit of advanced
16 notice about what we're going to discuss at a particular
17 court hearing so that it isn't that, you know, the
18 Court's talked to people to come in to do a presentation
19 and then we have to respond on what we think works.

20 I think, you know, we put a lot of stuff
21 in our settlement statements. But it would be really
22 helpful --

23 MS. MARTINEZ: Judge?

24 MS. SOBEL: -- to know that we're not
25 talking about the city or the county right now. We're

1 talking about other options and that's what we're going
2 to be talking about this morning.

3 JUDGE CARTER: Carol, I think there'll be
4 a response from Brooke in just a moment. I very
5 carefully set out the agenda for today because before
6 you came onboard this was part of the agenda for last
7 week.

8 What I had not done, and I've apologized
9 to the entire group, is I really wanted to hear what
10 their comprehensive plan was first. I wanted to pay
11 everybody the courtesy of hearing what their ideas were.
12 And I talked to you separately and everybody else
13 separately.

14 When it became obvious to me that I'd
15 gotten off track, and I've apologized for that because I
16 sent LAHSA home, I sent the city home. When the county
17 wanted to discuss a settlement that would take one hour,
18 I didn't want to bring people back at 4 o'clock.

19 So I very carefully set out an agenda
20 today on the -- and we are on that agenda right now.
21 And since nobody else was willing to structure it, we've
22 structured it. So I think you got notice. And Brooke,
23 if you disagree with me, you can read my order this
24 weekend. You can take a photograph of it. So this is
25 structured.

1 MS. MARTINEZ: Can I get my paper back?
2 If I could get my --

3 JUDGE CARTER: We'll get it squared away.
4 Take a photograph of it.

5 MS. WEITZMAN: Yeah. That's what I was
6 doing.

7 JUDGE CARTER: All right.

8 MS. WEITZMAN: It will take --

9 JUDGE CARTER: No. We're done. Thank
10 you. No. Thank you. When I take that kind of time on
11 a weekend, you got notice.

12 MS. MARTINEZ: Carol, were those your
13 points?

14 MS. SOBEL: I think my points were laid
15 out in the document we filed last week --

16 MS. MARTINEZ: Okay.

17 MS. SOBEL: -- of what we think works.

18 MS. MARTINEZ: Okay. Then --

19 MS. SOBEL: I heard somebody mention
20 something about sprung structures. We've never
21 supported sprung structures, not in Orange County, not
22 anywhere else.

23 MS. MARTINEZ: And I alluded to that,
24 Carol, that the interveners did not support sprung
25 structures. But the city and county did speak of the

1 success of the sprung structures. Yes, Christina?

2 MS. MILLER: May I ask a clarifying
3 question to the interveners?

4 MS. MARTINEZ: Yeah. Of course. Yeah.

5 MS. MILLER: Is it within the context of
6 COVID that you are against congregate shelters of any
7 sort of built environment or is it generally speaking
8 you're opposed to congregate shelters?

9 MS. MYERS: It is hard to distinguish
10 between the two. I don't know. I would assume that we
11 would have taken a similar position related to
12 congregate shelters in advance of COVID-19. But I think
13 -- I don't know that that's a helpful conversation
14 because I think the reality is COVID-19 will be with us
15 for a very long time.

16 And so, if we're talking about now or
17 even over two years, congregate shelters just --
18 everyone is saying congregate shelters are not an option
19 right now and for the foreseeable future. You know, I
20 think for some people they can be an option that's
21 available in the absence of a global pandemic for which
22 homeless people are specifically susceptible and
23 vulnerable, so.

24 MS. MARTINEZ: So before we move forward,
25 and Judge Carter --

1 JUDGE CARTER: Oh, no. I'm going to
2 listen.

3 MS. MARTINEZ: Yeah. Correct. I just
4 wanted to -- so the first phase that we've gone through
5 was just the housing accommodations and --

6 JUDGE CARTER: Yeah.

7 MS. MARTINEZ: -- you know, for the most
8 part, everyone is in agreement with, you know, the
9 hotels, motels, using distressed properties, adaptive
10 reuse, the potential of new modalities and obviously
11 rapid rehousing is imperative and, you know, permanent
12 supportive housing but also, you know, looking at a
13 flexible spending housing pool, creating RV lots.

14 The one thing that I didn't hear, and I
15 know we've talked about this through the Court, is safe
16 parking, right? And is there an opportunity to expand
17 that? I didn't hear anyone talk about safe parking
18 except to distinguish the difference between RV parking
19 and safe parking and the time periods.

20 And so, that's something that the Court
21 spoke about not just last week but two weeks ago. And
22 so, we want to know right now is that something that
23 both the county and city, interveners and plaintiffs
24 want to expand on or not expand on.

25 MR. PADILLA: On the city end, I think

1 it's an option. I mean, I don't know if we've even
2 excluded any model. So --

3 MS. MARTINEZ: So I didn't hear --

4 MR. PADILLA: We haven't spoken to
5 anything. I don't think it could be excluded.

6 MS. MARTINEZ: Okay. So I just want to
7 make sure that that's still on the table because I did
8 not hear it from anyone.

9 MR. PADILLA: Yeah.

10 MS. MARTINEZ: So safe parking is still
11 something that you all are going to look at as we move
12 forward to providing --

13 MR. PADILLA: Yeah.

14 MS. MARTINEZ: And so --

15 MR. PADILLA: And generally the model has
16 been any and all.

17 MS. MARTINEZ: And I left --

18 MR. PADILLA: And that would --

19 MS. MARTINEZ: I left that for the end
20 because I know that there's some issues as it pertains
21 to safe parking.

22 The city hasn't been able to accommodate
23 or utilize that system effectively or efficiently
24 because LAHSA in many respects -- and I would like to
25 get the perspective from LAHSA on your regulations and

1 your standards of how safe parking and protocols and how
2 that's assessed and why there's only been 441 spaces.

3 And when you look at the breakdown
4 according to district and who has safe parking and who
5 doesn't have safe parking, there seems to be some
6 limitations.

7 And, you know, moving forward, there's
8 been discussions on council side talking about possibly,
9 you know, why couldn't the city take the lead on getting
10 the facility -- getting the property and utilizing the
11 facilities, getting folks to bring in different types of
12 facilities, whether it's wash, sanitation, on and so
13 forth to move that process much quicker.

14 We did have a conversation that it takes
15 about two to three weeks to move that process forward.
16 And so, if safe parking is going to be on the table and
17 something that the city of Los Angeles or the county
18 wants to expand on, how will we be able to move that
19 needle forward in a way that is productive not just for
20 LAHSA but for the county and city.

21 And again, we don't have to go into full
22 details of that. But those are some concerns. And so,
23 when we talk about barriers and challenges, I will --
24 I'm just forewarning that that's an issue. But I didn't
25 hear safe parking. And so, I just wanted to bring that

1 up in regards to the housing accommodations.

2 And so, it's loud and clear that you all
3 are open to innovation and creativity. And that's
4 exciting to hear. And I'm glad that some of the things
5 that have worked, I would like for us to -- and we'll
6 ask -- the Court will ask you all later on the certain
7 housing accommodations that you all have said that have
8 been successful.

9 I have seen Measure H's evaluations for
10 the three years. And I shared that with the judge as
11 well and I reviewed that these past couple of days. I
12 would love to see from the city's perspective as well
13 based on the evaluations on I think it's HHH, you know,
14 the housing accommodations and the monies that you all
15 have spent. I'll have to look at those reports.

16 But I would like to understand, you know,
17 what the evidence is behind the success of those
18 modalities. You know, you all are telling me right now
19 that rapid rehousing, permanent housing has been
20 successful, right, and that that's great.

21 But what's the evidence behind that and
22 how many people have you all housed? And so, having
23 some of those numbers would be very helpful to us as we
24 move forward to making sure that that is success.

25 On the hotels and motels issue, because I

1 know that this has been brought up several times by the
2 interveners, and we talked about Project Room Key. We
3 talked about rec centers and what the next process is as
4 it pertains to that and are you all going to be able to
5 keep folks placed in those particular settings now.
6 That is to be determined. I know a plan has been
7 presented. And we'll continue to reevaluate that.

8 And so, understanding the housing
9 accommodations of various modalities, I now want to move
10 us into the barriers and achievement to get us to move
11 in the direction that I believe I'm not going to go
12 because I think what we've seen in some of the documents
13 that you all have shared in regards to service levels,
14 to funding per option, the distribution option types by
15 council districts and/or a hybrid.

16 And I want to talk a little bit about
17 that because there has been some disagreement as it
18 pertains is it going to be by council district or is it
19 going to be a hybrid or whatever have you. And I think
20 the Court was loud and clear last week.

21 And Judge, I'm not sure if you would like
22 to chime in on that because the next steps that I'm
23 going to take in regards to identifying public property.
24 And I want to thank you all for providing us the various
25 properties, public properties that you all have shared.

1 And I'm certain that there are more. But we want to
2 thank you for those that have been presented to us. As
3 we move towards equity and distribution of what that's
4 going to look like, I know you talked about council
5 districts, by regions and by hybrid.

6 Do you just want to articulate your
7 position as we move forward in our discussions as we
8 talk about, you know, this hypothetical process of going
9 by council district or by a region or a hybrid?

10 JUDGE CARTER: Only briefly.

11 MS. MARTINEZ: Yes.

12 JUDGE CARTER: The reason I asked the
13 questions of you last week was so that I have some kind
14 of baseline because when I came here and started talking
15 to separate councilmembers, it was obvious to me that
16 each councilmember knew their district or council ward
17 extraordinarily well. And why would the Court ever take
18 on a project of this magnitude without having that
19 councilperson who knows his or her district so
20 intimately involved in that process?

21 In talking to all your councilmembers, it
22 became apparent that there was tremendous goodwill in
23 moving forward. But there was tremendous disagreement
24 about how to move forward, different concepts. So in
25 many of the discussions, it started to look like your

1 council districts looked like the city of Boise in that
2 you could almost think of them like a municipality. And
3 in looking at the Ninth Circuit, I tried to get as close
4 to Boise as we could so as the conversations started to
5 evolve.

6 And they evolved in this way. We
7 actually talked with some councilmembers about ZIP
8 codes. And it didn't seem to work because then you had
9 overlying ZIP codes. You had ZIP codes within council
10 districts. So it was on the table and that's why I
11 asked you last week about the ZIP codes.

12 Then we talked about supervisorial
13 districts. And there we came into a problem with
14 different cities. It was so big that we didn't seem to
15 be -- we took the whale and made it a couple of
16 elephants quite frankly. It became too large to move.
17 So we didn't have movement it seemed at the
18 supervisorial level, not because they weren't willing to
19 move but they then had to go to three or four different
20 councilmembers.

21 Then we talked about SPAs. And SPAs
22 hasn't worked well, at least where I came from. It may
23 work well for you. They were arbitrarily drawn. So
24 that's why I tossed out SPAs. And remember Michele and
25 I now this week are into not criticizing, but what's

1 going to work. We only want to -- if you have a problem
2 from now on, you have to give a solution. So every
3 problem you raise from now on, I'm going to ask you,
4 well, what's your input. What's a better solution? So
5 we're going to turn now.

6 Then I heard about census. Oh, in two
7 years or a year-and-a-half, the census is going to
8 change. Well, if not now, then when? I mean, you're
9 going to write the legacy of this history right now for
10 this county. And I don't mean right now but, you know,
11 in the next period of time.

12 And it's either going to be an incredible
13 legacy, a role model for the rest of the country or
14 you're going to be back to inertia. And we might as
15 well just put that on the table when we gather the mayor
16 in my presence, you know, the chair of the council, the
17 board of supervisors. And I'll basically be asking if
18 you can't do it, just tell me.

19 But I don't want to do that. I think we
20 can. That's why I led it on council districts. But it
21 was only after talking to so many of you. It wasn't
22 originally my idea.

23 The second thing I heard loud and clear
24 was this. You know, Judge, we need some kind of
25 uniformity. And it went from policies and procedures

1 that might be citywide to different ways of moving in
2 different districts. For instance, I'll use Mike Bonin,
3 entirely different than John Lee. Both goodhearted, but
4 they can't move at the same time and in the same way.
5 And they don't have the same problems as Marqueece does,
6 for instance. And that's why we were willing to expend
7 our time and effort with each council.

8 And by the way, if we made a mistake, we
9 come back and we do it right. So I have to be -- I have
10 to be not afraid to try something from my position as a
11 judge and say, you know something, it didn't work. It
12 didn't work. Let's try this or whatever your suggestion
13 is. And unless I'm willing to try it to make those
14 mistakes, we can't move forward.

15 But I didn't want to cause immense harm.
16 So I thought, well, maybe after talking to all of you,
17 you know, council district by council district and we
18 came up with a concept, Michele, working with two or
19 three council districts to begin with that might have
20 opposite problems.

21 Certainly we're going to focus on Skid
22 Row no matter what. But for instance we could take
23 Bonin's district who might have a different philosophy
24 than maybe Monica out in her district. I leave that to
25 Nury and the council to set up a pilot project so we can

1 see what's working because we're all so divergent.

2 So I'll finish this. If you once again
3 have a better suggestion for the Court, I'm truly
4 listening to you. So if it's ZIP codes, tell me how
5 that's going to work. If it's SPAs, supervisorial
6 districts. Okay. I'm going to take that then that
7 we've got the best plan for some kind of overarching
8 agreement if we can reach it.

9 MS. MARTINEZ: Right.

10 JUDGE CARTER: But working with our
11 individual council, because they're going to get off at
12 different -- Brooke, you're shaking your head, so
13 please.

14 MS. WEITZMAN: Yeah. No. I think we've
15 consistently said we don't think that council district
16 by district is a functional approach that --

17 JUDGE CARTER: Okay. Now, now what's
18 your suggestion though? Now I want the positive. What
19 works, Brooke?

20 MS. WEITZMAN: So I think we need to get
21 increased stock now, so figure out where are the places
22 that we can get --

23 JUDGE CARTER: No, no. No, no. No.
24 What scheme works to move this forward? I'm not going
25 to let you do that.

1 MS. WEITZMAN: Right.

2 JUDGE CARTER: I want to hear what
3 structure the Court would have that would move this
4 forward in a city and county of, you know, 11 million
5 people.

6 MS. WEITZMAN: So the structure that
7 seems to make the most sense is focusing on increasing
8 what is available and doing -- making the priority
9 increased stock, whether -- get whatever the city and
10 the county are able to do, if that's motels and hotels,
11 safe parking, but working as fast as possible to do as
12 much as possible because we all know that the problem
13 right now is based on having nowhere for them to go.

14 JUDGE CARTER: We all agree about
15 increasing stock.

16 MS. WEITZMAN: And so --

17 JUDGE CARTER: There's no disagreement at
18 this table that we need to increase housing stock,
19 Brooke. It's how to do that because so far there's been
20 inertia. There's been inertia now for 30 years up here.
21 All I'm going to do is I'm going to ask you to help me
22 break that inertia or I will break that inertia. I
23 promise you.

24 So I'm going to hear one more time how do
25 we break this inertia that has not been working?

1 Because we all agree that we want to increase stock.
2 The only scheme I could come up with, right or wrong,
3 was working on an overlying agreement so we've got
4 policies and procedures uniformly, but then working with
5 the council district because I knew different
6 councilmembers would move at different speeds. And I've
7 got to pay respect to the council because you know your
8 district.

9 Now if this was one entity, like even San
10 Francisco with the case filed with Tigar, that's -- or
11 Judge Tigar, that's an easy case to resolve in some ways
12 because you're dealing with San Francisco, 750,000
13 people.

14 MS. MARTINEZ: Yeah.

15 JUDGE CARTER: He's not going to have a
16 problem with that. In fact, because it's a case like
17 Alliance, you as advocates may not even be involved in
18 that lawsuit up in San Francisco.

19 MS. WEITZMAN: They called.

20 JUDGE CARTER: Yeah. They may have
21 called. But they haven't been -- allowed to be
22 intervened yet by the Court.

23 MS. WEITZMAN: I don't think anyone's.

24 JUDGE CARTER: You watch closely. I get
25 to be the judge. And I'm warning you and telling you

1 very carefully I let you intervene in this so the
2 homeless had representation also.

3 MS. WEITZMAN: So I think --

4 JUDGE CARTER: I don't know what Judge
5 Tigar is going to do. So I'm going to go back to my
6 point. You still haven't answered my question.

7 MS. WEITZMAN: A place --

8 JUDGE CARTER: How to structure it and
9 how to proceed.

10 MS. WEITZMAN: A place to start and to
11 structure it is in this unique moment where there is
12 access to funds like we have not had before for this
13 issue, what are we doing to not miss that opportunity.
14 How are we spending those funds?

15 How are we making sure that these hotels
16 and motels stay long-term? How are we making sure that
17 these rec centers have safe exit plans, that there is a
18 place for people who are in those to go?

19 JUDGE CARTER: We all agree. You haven't
20 answered my question.

21 MS. MARTINEZ: Brooke, we're speaking --

22 MS. WEITZMAN: But that's not something
23 we're --

24 JUDGE CARTER: That's the last time I'm
25 going to ask. Brooke, the last time I'm going to ask.

1 I agree. That isn't even on the table for discussion.
2 How structurally does the Court move forward with a city
3 of 11 million people, not a city like Boise with
4 250,000? Do I wait for the census? Do I wait for the
5 census?

6 MS. WEITZMAN: No.

7 JUDGE CARTER: Do I go by ZIP code?

8 MS. WEITZMAN: I guess I don't understand

9 --

10 JUDGE CARTER: Do I go by ZIP code?

11 MS. WEITZMAN: I don't understand. No.

12 I don't understand --

13 JUDGE CARTER: Do I go by ZIP code?

14 MS. WEITZMAN: -- what the benefit is to
15 this geographic breakdown.

16 JUDGE CARTER: Brooke, do I go by ZIP
17 code?

18 MS. WEITZMAN: No. I don't think that
19 would get anywhere.

20 JUDGE CARTER: Do I go by SPA?

21 MS. WEITZMAN: No.

22 JUDGE CARTER: Do I go by supervisorial
23 district?

24 MS. WEITZMAN: No.

25 JUDGE CARTER: What do I do except sit

1 with inertia?

2 MS. WEITZMAN: Go by the entire area. I
3 just don't understand why we're breaking it down or
4 prioritizing one area over another when we know that
5 this is a broad problem.

6 JUDGE CARTER: Okay. All right. Back to
7 you, Michele. I've said enough.

8 MS. MARTINEZ: Thank you, Judge. But
9 this point is very important for us to move forward in
10 everything else.

11 JUDGE CARTER: Well --

12 MS. MARTINEZ: I think not just for the
13 city but for the county as well. And so, you know, this
14 is the only second go around I'm going to go after
15 because then you all will be able to gather your own
16 information and put your structure together.

17 But it's just to articulate to you all
18 that there are some disagreements. And how we're going
19 to be able to, you know, come to an agreement where we
20 actually can do some good. All right. If we're going
21 to continue with the inertia and just talk about the
22 problems --

23 MS. WEITZMAN: That's --

24 MS. MARTINEZ: -- we're not going to move
25 very far. And so, on this point, Liz, I would just ask

1 you are you supportive of council districts or some
2 other structure that there could be uniformity of how we
3 actually move this settlement agreement forward?

4 MS. MITCHELL: So I would say as long as
5 the agreement -- the overarching agreement with the city
6 has consistent policies and then procedures set out,
7 then implementation on a district-by-district basis,
8 meaning the timing of the implementation --

9 JUDGE CARTER: Yeah.

10 MS. MITCHELL: -- is rolled out on a
11 district-by-district basis, depending on each district's
12 unique circumstances, then I'm definitely in support of
13 and I think it's a really good idea.

14 JUDGE CARTER: Okay.

15 MS. MARTINEZ: City of Los Angeles?

16 MS. CHAVEZ: I mean, I for one -- and
17 I'll speak for my boss as well -- support this idea. I
18 mean, given that we represent 4 million people and we
19 have 60 percent of the homeless population within the
20 city of Los Angeles, and each district has different
21 types of populations. Our district, for example, has
22 the highest number of homeless in RVs.

23 JUDGE CARTER: Right.

24 MS. CHAVEZ: More than twice than in the
25 second highest district. So, you know, and then the

1 Valley's different, the West Side's different.

2 JUDGE CARTER: Yeah.

3 MS. CHAVEZ: And so, the councilmembers
4 are the ones that are best positioned to determined what
5 that mix of solutions should look like to best address
6 the needs of the population that needs it. I mean, it's
7 very different.

8 So, number one, it's just sort of having
9 that on-the-ground, boots-on-the-ground. Literally we
10 know our districts the best. We work very well with,
11 you know, the other agencies, with LAHSA, the local
12 LAHSA teams.

13 We have those relationships. We work
14 with developers on, you know, finding locations for
15 housing. We do all of that. We are -- as the judge
16 mentioned, councilmembers are essentially, you know,
17 mayors for their council districts.

18 JUDGE CARTER: Right.

19 MS. CHAVEZ: And I think it also
20 increases accountability. By creating true standards,
21 you know, you have a standard. If you've met this
22 housing, you get to avail yourself of certain policies
23 and rules and procedures. And it creates an incentive
24 that will then help us increase support from the public
25 to implement even more solutions and especially the

1 creative solutions that we haven't maybe done yet --

2 JUDGE CARTER: Yeah.

3 MS. CHAVEZ: -- because there was a lot
4 of inertia or public resistance. It will now break the
5 logjam and allow us to move forward with those things if
6 we get that buy-in.

7 So, I mean, I think it works well. It
8 provides both the knowledge, the intimate understanding
9 at the local level but also allows us to access those
10 resources and increases accountability because
11 ultimately the councilmembers are the ones that get the
12 calls and the complaints.

13 JUDGE CARTER: Right.

14 MS. CHAVEZ: You know, so --

15 MS. MARTINEZ: I just want to articulate
16 there is no right or wrong answer here.

17 JUDGE CARTER: Yeah.

18 MS. MARTINEZ: Just wanting to get
19 perspective so that the Court can understand as we move
20 down the line. Look, if you all are not going to be
21 able to make a decision, we're going to make the
22 decision for you, right? I mean, we obviously don't
23 want to do that.

24 JUDGE CARTER: Promise it.

25 MS. MARTINEZ: And I obviously don't

1 speak for Judge Carter.

2 JUDGE CARTER: Yes. You do.

3 MS. MARTINEZ: But I want to be blunt and
4 very candid for you all that if there can't be any kind
5 of agreement between all the parties here, we will be
6 forced to make decisions for you all to move forward
7 because the public wants answers.

8 JUDGE CARTER: And the homeless need a
9 better --

10 MS. MARTINEZ: And the homeless deserve
11 to have dignified, safe housing, right? So I just want
12 us to be very clear because I know -- I see when people
13 are talking, some folks are just looking.

14 This is to have an open conversation, one
15 that is based on basic things that I think we've all
16 discussed separately, whether it's been Shayla, yourself
17 with Carol or with your constituency or the city or
18 county.

19 But I think as we move forward, we want
20 to have an understanding because if we cannot move
21 forward because there's no agreement between all of you,
22 decisions have to be made. And so, I just want to make
23 that clear. So before I move forward with you, Shayla,
24 --

25 MS. MYERS: Thank you.

1 MS. MARTINEZ: I want to finish the city
2 of Los Angeles and then we'll move forward.

3 MS. MYERS: Great. Thank you.

4 MR. PADILLA: I'll speak on two ends.
5 With regards to the council as a whole, you know, a lot
6 of the instruction and introduction that had been given
7 to our senior attorney a couple of weeks ago was to have
8 the conversation about a council -- among all the
9 options, right? I mean, this whole thing is fluid and
10 being shaped day to day.

11 MS. MARTINEZ: Yeah.

12 MR. PADILLA: But council by council was
13 part of the conversation that we did have. With regards
14 to the council president specifically for the district
15 and the logic with regards to council district by
16 council district, it's something that everybody's
17 acknowledged.

18 But it also emphasized a collective
19 responsibility and a collective societal obligation that
20 the entire city has. And if we don't -- council by
21 council allows for every community to help address this
22 issue.

23 JUDGE CARTER: Yeah. Right.

24 MR. PADILLA: And historically we
25 haven't, right? And I think that's when you look at how

1 did Skid Row come to be and how did it grow so big. It
2 was essentially there was no standard policy. I believe
3 folks turned a blind eye. The problem was over there.
4 Great for us. We don't have to deal with it. And it
5 wasn't right. It just was not fair.

6 Everybody has an obligation societally to
7 help those that need the help. And everybody's got to
8 do it where it's happening. And we can't live in denial
9 that homelessness isn't affecting every single part of
10 our community. And if that's the case, we also have to
11 acknowledge we have a responsibility to do something
12 about it.

13 MR. MARCUS: Well, and --

14 MR. PADILLA: And a council by council
15 approach then allows people to do it and do it in a
16 fashion -- Judge, as you mentioned, everybody knows
17 their district best. They know what may work best and
18 they'll get it.

19 And it's also an easier way to -- I'll
20 use accountability for lack of a better word right now -
21 - to know kind of who is really contributing and who
22 needs additional help to get to where we all need to get
23 to. That's why for us the council-by-council approach
24 makes the most sense.

25 JUDGE CARTER: Okay.

1 MS. MARTINEZ: Thank you.

2 MR. PADILLA: The concerns that have --
3 there have been a few that have raised concerns. But to
4 your point, Judge, even with the concerns being raised,
5 I haven't heard a better alternative.

6 MR. MARCUS: And I just want to add I
7 don't think we're saying --

8 JUDGE CARTER: You know, I'm going to
9 come closer to the --

10 MS. MARTINEZ: He can't hear you.

11 MR. MARCUS: I'll talk louder.

12 JUDGE CARTER: Good.

13 MR. MARCUS: I don't think we're in
14 disagreement. I think that the priority for all of us
15 is how quickly can we stand up as many beds as possible.
16 The district-by-district model allows that flexibility.
17 There are some districts that are simply ahead of
18 others.

19 MS. MARTINEZ: Yes.

20 MR. MARCUS: There are some districts
21 that already have plans in the works that we can
22 capitalize on. There are other districts that don't
23 have the same resources available to them, whether it is
24 particular types of land, particular types of buildings.
25 So I think, you know, Liz said it best. We're not

1 looking to prioritize one area of the city --

2 MS. MITCHELL: Over another.

3 MR. MARCUS: -- over another. We are
4 looking to implement as quickly as possible. And that
5 might mean that Mike Bonin can implement this more
6 quickly and Marqueece Dawson can get this more quickly.
7 John Lee needs a little bit more time.

8 But we're all -- we're all going to get
9 there. But the district-by-district flexibility and
10 accountability gets that implementation, gets that stock
11 up as fast as we can. I think that just makes the most
12 sense.

13 MS. MARTINEZ: Okay. Christina?

14 MS. MILLER: Yeah. I can add. I think
15 the district-by-district approach allows more clarity in
16 what the takedown targets are for housing and interim
17 housing.

18 And it's not unprecedented. The state
19 has regional housing targets for different parts of the
20 state. The city had council district targets for
21 standing up supportive housing when HHH was passed.

22 MS. MARTINEZ: Yeah.

23 MS. MILLER: So this is -- this is
24 something that we've done before and it has worked. And
25 it provides clarity. I think logistically speaking, the

1 one thing that I would say is homeless service
2 providers, nonprofits who doing the work on the ground
3 don't often know council district or supervisorial
4 district boundaries.

5 And so, I think just logistically
6 speaking, there will be some work we need to do to
7 support them in supporting this, the targets that are
8 agreed upon to make sure that there is clarity on the
9 ground for their work.

10 JUDGE CARTER: We were going on a
11 tangent.

12 MS. MARTINEZ: Yeah. We finished the
13 city of Los Angeles. So I had to finish the city of Los
14 Angeles. Now I'll go with Shayla.

15 MS. MYERS: So, I mean, we are opposed to
16 the council district-by-council district model in part
17 because I think we are concerned about inertia. And I
18 would just like to say that this concept that council
19 districts, that they are 15 mayors is just simply not
20 accurate.

21 They are 15 legislators that are
22 responsible for legislating for the city of Los Angeles
23 and representing the needs of individuals. But they're
24 not individual mayors. We have council districts that
25 are simply a representative form of government. And the

1 challenges that idea of council districts operating as
2 mayors.

3 I think we have to be honest, that that
4 is part of why we have gotten to where we are today,
5 right? Because there has been this idea that council
6 members could set housing policies for their individuals
7 districts.

8 You know, the city of Los Angeles for
9 decades had a policy of letter signoffs on affordable
10 housing and left it up to the individual council
11 districts to approve or disapprove housing projects.
12 And because of that, because of that individual
13 accountability to the constituents, housing, affordable
14 housing was blocked for decades in different
15 neighborhoods.

16 So one of the ways that actually broke
17 through that was getting rid of the level of authority
18 that rested with council districts. Councilmembers are
19 inherently political and responsible. Part of the value
20 that was articulated by LA Alliance and part of what
21 people have looked to the federal court for is to break
22 through the politics.

23 I am very concerned and our clients are
24 very concerned that we are simply re-inscribing the
25 political impediments if we say to do this by council,

1 by district.

2 MS. MARTINEZ: Let's talk about that
3 later in regards to the barriers.

4 MS. MILLER: So --

5 MS. MARTINEZ: But right now, what we
6 want to know, what's your solution. So if it's not
7 implementation --

8 MS. MILLER: Housing stock.

9 MS. MARTINEZ: -- by council district --

10 MS. MILLER: Sure.

11 MS. MARTINEZ: -- what is the solution.

12 MS. MILLER: Look at it housing stock by
13 housing stock.

14 MS. MARTINEZ: Housing stock.

15 MS. MILLER: Let's take the types of
16 housing. We're going to come up with a list at this
17 table about what we're going to do. And let's look at
18 the availability of those different types of housing
19 models citywide.

20 So tackle it type by type and prioritize
21 based on the needs and the desires of councilmembers who
22 are all going to weigh in. If we say that the highest,
23 best use right now of the type of housing to develop is
24 safe parking -- obviously we think it's motels. That's
25 clear. If it's hotels and motels, prioritize that and

1 do that first and do it citywide. And then move on to
2 the next because then councilmembers -- councilmembers
3 can all simultaneously work in their districts to do the
4 ground level work that they do at the same time, right?

5 All of the councilmembers can be charged
6 with finding adaptive reuse in their communities if
7 that's what this group is focusing on. It allows for an
8 agglomeration and a scaling up of that type of housing.

9 And it gets all of the council districts
10 to pay attention to that particular type of housing and
11 at the same time because I don't think we want to get
12 into a situation where Councilmember Lee gets to work on
13 it now but Councilmember Price doesn't have to do it
14 until you turn your attention to that council district.

15 Put all 15 of them who know their
16 districts best tasked with finding the hotels first and
17 then the places for safe parking and then the other
18 things. And then, that -- and if they are all tasked
19 with that evenly and simultaneously, it will get away
20 from some of the political blocks that we're going to
21 wind up with.

22 And it'll also give a sense of equality
23 that I know is -- that Council President Martinez is
24 very concerned about and we are equally concerned about.
25 We are concerned that the different districts will take

1 different approaches related to these issues and will
2 re-inscribe the racism and classism that have led to
3 homelessness, right? If we let different districts talk
4 about these things differently, then different districts
5 that have different racial makeups, that have different
6 types of housing stock will be able to continue to have
7 those different conversations.

8 This is a citywide problem. And we have
9 got to tackle this as a citywide problem. If we don't
10 do that, if you say it's Councilmember Buscaino's
11 problem, if you say it's Councilmember Lee's problem,
12 then it's just a political problem again. It's not a
13 federal court problem.

14 And it's not thinking about the homeless
15 residents of this city who don't know that they live in
16 council district eight or council district nine or 15.
17 They don't care. They just need housing.

18 MS. MARTINEZ: Thank you, Shayla.

19 MS. MYERS: There you go.

20 MS. MARTINEZ: Brooke?

21 MS. WEITZMAN: I think she covered it.

22 MS. MARTINEZ: Okay. Carol?

23 MS. WEITZMAN: Echo all of that.

24 MS. MARTINEZ: Okay.

25 JUDGE CARTER: Okay.

1 MS. MITCHELL: Carol, you there?

2 MS. MARTINEZ: Okay. Well, we'll move
3 forward.

4 MS. WEITZMAN: Let me -- I'll send it.

5 MS. MITCHELL: She's muted. Let me
6 unmute her real quick.

7 MS. WEITZMAN: The only message she said
8 was --

9 MS. SOBEL: I'm here.

10 MS. WEITZMAN: Oh, there she is. Yeah.

11 MS. MITCHELL: Carol, do you have
12 anything to add?

13 MS. SOBEL: No. I agree with Shayla
14 completely. I also would add, you know, the equity
15 issue.

16 MS. MARTINEZ: Yeah.

17 MS. SOBEL: I think everything we see is
18 that in this city, homelessness is a racial issue. And
19 a district-by-district solution is going to widen that
20 and just reinforce that.

21 MS. CHAVEZ: Can I ask a question?

22 MS. MARTINEZ: Okay. Great. Yes,
23 please.

24 MS. CHAVEZ: Shayla, to your point, just
25 a question. So who would you put in charge of ensuring

1 that this would happen, the implementation would happen?

2 MS. MYERS: I think that's why we're in
3 Judge Carter's courtroom.

4 MS. CHAVEZ: If you're not putting the
5 councilmembers in charge, who would be in charge?

6 MS. MYERS: I think that's why we're in
7 Judge Carter's courtroom. I mean, the ability in the
8 moment --

9 MS. CHAVEZ: Do you think we're --

10 MS. MYERS: I mean, that's what we're
11 here for. The ability in the moment that we have is a
12 federal court is paying attention to this issue and
13 forcing people to come together and think differently
14 about this, so great.

15 Like I mean that's where we are on it.
16 And if you say that there is political will in each of
17 the districts, great. Let's capitalize on the political
18 will in each of the districts now, right? And you can
19 be in charge for Councilmember Buscaino's office and you
20 can be in charge for Council President Martinez's office
21 and Councilmember Harris-Dawson's rep can be in charge.

22 And you can have a -- you're going to be
23 the ones who are going to be in charge anyway. It's
24 just, you know, for implementation in your districts,
25 it's just not letting districts off the hook as we go.

1 MS. MARTINEZ: County?

2 MR. YOUNG: So I -- we have concerns
3 about being so heavily prescriptive such to the point
4 where it gets down to a council by council district,
5 recognizing that it is a useful organizing principle.

6 JUDGE CARTER: Could you start again? I
7 apologize.

8 MR. YOUNG: Sure. No, that's fine.

9 JUDGE CARTER: There were people speaking
10 there.

11 MR. YOUNG: Yeah. I'll go -- I'll pivot.
12 We have concerns about an approach that is overly
13 prescriptive and recognizing that a council by council
14 district, you know, may be the best in lieu of an
15 alternative. I would have -- I would have concerns very
16 similar to what Shayla just articulated with respect to
17 going down to that level of detail.

18 I also have significant concerns on what
19 that means for LAHSA and what it means for having a
20 comprehensive regional solution to homelessness and
21 really building economies of scale. You know, from the
22 county's perspective, while the city is the big elephant
23 in the room, it is one of many cities.

24 MS. MARTINEZ: Yeah.

25 MR. YOUNG: And we need to have equity

1 across all cities, particularly those that have also
2 been disproportionately impacted by homelessness. And
3 then finally, so LAHSA, equitability, overly
4 prescriptive.

5 You know, these are the reasons why we
6 have LAHSA. These are the reasons why we have SPAs.
7 They do depoliticize a lot of the determinations that
8 get made. They are made kind of with the reverence or
9 the acknowledgement that subject matter experts, not
10 lawyers are actually making these decisions. And I
11 think that's the best approach.

12 I think it's also better than having
13 politicians. I mean, we need politicians to make the
14 call obviously. But we need to listen --

15 MS. MARTINEZ: Well, they're the
16 policymakers.

17 MR. YOUNG: Right. But we need to listen
18 to the people.

19 MS. MARTINEZ: Yeah.

20 MR. YOUNG: We need to listen to our
21 experts and what they say.

22 MS. MARTINEZ: Correct.

23 MR. YOUNG: And so, one initiative that I
24 wish it was more developed because it would be my
25 solution is a people-centric approach.

1 MS. MARTINEZ: Agreed.

2 MR. YOUNG: One that, you know, the
3 county has actively been looking at with respect to the
4 -- at least starting with the population of over 65. It
5 already has synergistic sort of effects because a lot of
6 those people are those that are already in Project Room
7 Key facilities.

8 They are those that are qualified for
9 benefits. They are kind of in the most vulnerable
10 categories of our society. And we owe it to them to
11 help them first. And they are across all lines, all
12 council districts. So that's how we view the issue.

13 MS. MARTINEZ: Okay. So I know you said
14 the solution would be a people-centered approach.
15 Beyond that, as the county continues to wanting to move
16 in that direction, you guys are obviously not there. So
17 in the interim, a suggestion was made by the judge to
18 move towards council districts.

19 So if it's not council districts, Shayla
20 has just alluded to maybe housing stock by housing
21 stock, right? So on your end, if you're not very
22 favorable to the council district because it's too
23 prescriptive, then what would be the solution on the
24 county's end to moving the needle forward here?

25 MR. YOUNG: So I think it would be -- I

1 don't have an answer.

2 MS. MARTINEZ: You don't have an answer.

3 MR. YOUNG: So I'm not going -- I'm not
4 going to --

5 MS. MARTINEZ: Thank you. I appreciate
6 your -- I appreciate your honesty. Thank you.

7 MR. YOUNG: But it's a conversation I'd
8 want to have. I'd want to have with people who actually
9 know more than I do.

10 MS. MARTINEZ: Exactly. And I just want
11 to be very clear that we're gathering all this
12 information. And we're in a room full of attorneys,
13 right? We're not in a room full of the experts, right?

14 The next step for us -- and we've been
15 having these conversations with some of these experts
16 and others, that we would like -- who are the ones that
17 are going to implement this. But we want to hear. You
18 know, obviously the city council, you know, believes it
19 should go in one direction. The interveners believe
20 they should go in another direction.

21 But ultimately we all know at the end of
22 the day it's not going to be the attorneys in the room
23 that are going to implement this. And so, we understand
24 that. But we want to get your perspective now as we try
25 to move towards some kind of agreement. What is that

1 going to look like, if we could even get there, right?
2 And I think a decision has been made that you want to
3 start settlement negotiations. And we're here. But it
4 doesn't mean that we're going to get there. And I think
5 that's what --

6 JUDGE CARTER: Oh, yes. Yes. We will.

7 MS. MARTINEZ: Well, the judge, yes.

8 Yes. I definitely understand that you --

9 JUDGE CARTER: We're going to write the
10 history and we're going to get there.

11 MS. MARTINEZ: Yes. And so, I think it's
12 important for us to understand that he's already taken
13 some process about moving towards implementation by
14 council district.

15 And so, what we're hearing is very
16 helpful and I think very helpful to him as we move
17 things along. And so, anyone have any more questions as
18 it pertains -- yes, Ackley?

19 MR. PADILLA: I don't have a question. I
20 just -- I need to --

21 MS. MARTINEZ: Clarification?

22 MR. PADILLA: -- make one final point.

23 MS. MARTINEZ: Yes.

24 MR. PADILLA: And I'd ask that you bear
25 with me. And it goes back to the notion of a people-

1 based approach I believe is how you labeled it. I want
2 to remind everybody to me the people-based approach, I'd
3 want to acknowledge -- when you talk about people, then
4 we have an obligation to talk about everybody.

5 JUDGE CARTER: Yeah.

6 MR. PADILLA: Clearly the homeless
7 population needs help and service.

8 JUDGE CARTER: And the public.

9 MR. PADILLA: But where the concentration
10 is happening, where a lot of the issues are, are also in
11 certain neighborhoods.

12 JUDGE CARTER: Yeah.

13 MR. PADILLA: And the people that live in
14 those neighborhoods are people too.

15 JUDGE CARTER: Yeah.

16 MR. PADILLA: So how are they part of the
17 equation as well? Part of the concern that I think we
18 also need to acknowledge is that we're far from perfect.

19 When you look at the diversity of the
20 city, when you look at the demographics of the city, of
21 council districts, when you look at the demographics of
22 the homeless population, when you look at the
23 demographics of the neighborhoods being heavily
24 impacted, I don't know how much those demographics are
25 fully represented here in the same fashion.

1 So as experienced, as able and as
2 committed as people are in this room too, there's got to
3 be a way to allow for more feedback and more solutions.
4 And again, it's what takes me back to I can't find a
5 better solution than the council district approach. Not
6 perfect. I don't know if there is anything that's
7 perfect.

8 But it's the best with what we've got.
9 And I just want to make sure that we get that out there
10 for all us here in the room, that this equation, this
11 problem that we're trying to solve, it's partly defined.
12 But it's so much broader than that and we can't forget
13 that broad elevation.

14 JUDGE CARTER: Okay.

15 MR. PADILLA: Thank you for hearing me.

16 MS. MARTINEZ: Of course. Elizabeth?

17 MS. MITCHELL: If I can just add, I think
18 that Shayla's concerns as articulated, the county's
19 concerns are valid points. I don't think that in my
20 perspective anyway we need to throw the baby out with
21 the bathwater.

22 MS. MARTINEZ: Correct. Exactly.

23 MS. MITCHELL: I think we can take that
24 feedback and implement it into this structure. And I
25 think particularly what resonated with me anyway was the

1 idea that one council district could start a year or two
2 later, right, and the implementation would be too spread
3 out. And so, it's still unfairly implemented. So I
4 think issues like that can be taken into consideration
5 and worked into this discussion as we are talking about
6 the overall policies that will be part of the solution.

7 JUDGE CARTER: Okay.

8 MS. MARTINEZ: Judge?

9 JUDGE CARTER: Yeah. This idea was not
10 my idea professionally. This idea came with discussions
11 with councilmembers and some members of your board of
12 supervisors. So I'm going to ask you to go back
13 individually and start talking to the board because this
14 is not Judge Carter's original idea.

15 Some of the members of the board want to
16 implement faster than others. They're farther along.
17 Some members of the council have recreational vehicle
18 problems in a district that aren't the same as another
19 councilmember. And so, when we were looking at this,
20 while we didn't have a better solution, the
21 implementation was on a different time track and in
22 different ways.

23 And I'll use some names. I hope I'm not
24 breaking confidence. Mike Bonin would like to have some
25 ability to get rid of Third Street [ph], okay? He'd

1 like to move people closer to the beach because there
2 are already facilities there. Now he may have changed
3 his position. But that was his original position. He
4 may be willing to do that in a very what you would refer
5 to as a humane way, okay? Doesn't want anybody put in a
6 patrol car. Wants to talk to people. Great.

7 Another person may be more inclined to do
8 that in a more harsh way. Those are the policies and
9 procedures I'd like to work out in a uniform way so that
10 the police are operating in a uniform way. And whether
11 we get to the whatever standard that we're negotiating
12 with now compared to whatever we're doing with the city
13 in the future, there ought to be a policy and procedure
14 that covers the whole city or the county.

15 I think that's the easy thing that we're
16 eventually going to resolve.

17 MR. YOUNG: Yeah.

18 JUDGE CARTER: What I'm absolutely
19 convinced of is that we have absolute inertia right now
20 because we can't start or we're afraid to start and
21 we're even afraid to make a mistake right now. And so,
22 that's my concern, that for 20 or 30 years we haven't
23 even started to admit that we just kind of did it wrong
24 and we've got to back up and do it right because we're
25 looking for perfection.

1 Now I'm going to ask you another question
2 just to think about. A court can operate in two
3 different ways. Normally I have a case in controversy
4 come to the court. And so, very patiently if I was up
5 in San Francisco and I'd probably have an alliance
6 between Hastings College of Law, okay, and I have an
7 alliance between the city and they want the same thing.
8 I don't know that the homeless will or will not be
9 represented in an adequate manner. I don't know about
10 that lawsuit. But they may be. So I'm not going to
11 intervene.

12 I'll tell you my disappointment about the
13 intervention, and it's not with you, that all the
14 parties aren't at the table because in my discussions
15 what I've heard from the city is if we're going to
16 resolve this, we don't want to get consistently sued.
17 Where's the ACLU? So eventually we worked out an
18 agreement.

19 How do I go back to the council and say,
20 by the way, I've got good faith from you, Shayla, and
21 from the legal foundation. Brooke and Carol, I've got
22 good faith from you. But there's this other party not
23 at the table. Now, hold on. I don't even want an
24 answer to it. So I've let everybody intervene that I
25 possibly asked to intervene except for some other groups

1 out in Venice that I simply declined. If a court acts
2 sua sponte, you lose control, right?

3 So I've given time for discussion so far.
4 But by Thursday afternoon, I'm going to ask really where
5 are we. And I'm not saying that's my drop dead date.
6 But I'm not going two or three more of these. I can't
7 and I won't. So I'm going to pay you all the courtesy.
8 And yesterday you told me at 5:30 you wanted to recess.
9 You'd reached an impasse on the county level. And that
10 was fine. Go on home.

11 I'll be up here Thursday, just so you
12 know. Well, I'll be up in federal court. If you need
13 me, fine. But by tomorrow night, I want to know do we
14 have an agreement or not and why aren't people on the
15 phone. And if you can't reach Mary, then reach Kathryn,
16 okay? They should be available. You pledged they would
17 be.

18 For the city, now I'm asking you to
19 start. We can walk and chew gum at the same time. And
20 Marcus, you asked that in your confidential brief. You
21 said you're ready to go. I believe you. Well, let's
22 start there.

23 Let's start on Friday, okay? And if
24 we're then going to have inertia, then I want to -- I
25 really want to get Eric in my courtroom. I want to get

1 Nury in. I want to get the police chief in. I want to
2 get Kathryn in. and I want you just to tell me you
3 can't do it, that there's so much inertia here and red
4 tape, that just represent to the Court that you can't
5 get this resolved for the goodness of the city. And
6 it'll be on the record. And that's it. I get it. I
7 don't believe that. There's too much goodwill here.
8 It's just how you get there.

9 So the only way I could see to break this
10 impasse and give you some control was implementation.
11 But Shayla, I'm worried about the same thing. And
12 that's not faulting our differences. I just don't know
13 how to break the logjam because for 20 years what you've
14 suggested doesn't seem to have been working because it's
15 so broad.

16 Now I may be wrong. But I tell you, the
17 Court is going to do something. I'd just like to get it
18 right the first time. And I'd like to be a little bit
19 more patient.

20 But I promise you the Court is going to
21 take some action in this. And I'm probably going to
22 have to take it sua sponte. And if you haven't guessed
23 what it is right now, you haven't been listening very
24 closely because you've all got it figured out. You just
25 haven't put it together yet.

1 Now I'm going to give some time for that,
2 okay? Go ahead. Now that's the end of it.

3 MS. MARTINEZ: Thank you, Judge. So the
4 next thing -- and again, the Court wants to thank you
5 all for providing some of the properties that are
6 available, public property for city and county.

7 And you all still need to go through that
8 process to identify and to make sure what makes sense in
9 those specific properties. And so, as you now look at
10 the potential of the housing accommodations, matching
11 those with those properties, I'm not sure when the Court
12 is going to ask for you all to provide another report.

13 But we want to get this process started.
14 So I think you all know what the housing accommodations
15 are suitable. Now you just have to match those to the
16 public properties that are available that you all have
17 provided. And obviously you have to do your due
18 diligence.

19 One of the questions that I have to you,
20 you know, based on what's by right, I think when we
21 talked about Maple and 16th for the past couple of weeks
22 and the issues that we had in regards to environmental,
23 Caltrans, you name it --

24 JUDGE CARTER: CEQA.

25 MS. MARTINEZ: CEQA. Before --

1 JUDGE CARTER: Who's paying -- who's
2 paying for what.

3 MS. MARTINEZ: Yeah. Before any of these
4 properties, that we want to make sure that you do your
5 due diligence and that all of these properties that are
6 being brought eventually back to the Court, that they
7 are ready to go.

8 We don't want to hear a week from the day
9 you present that, oh no, we had no idea that we had a
10 CEQA issue or we had no idea that that property was
11 being utilized for x, y and z. And so, the Court wants
12 to give you that time to identify and do your due
13 diligence and looking at the types of housing
14 accommodations, the amount of units you'll be able to
15 provide there.

16 We don't need to go into that detail. I
17 think you all have the right staff to start figuring
18 that out. And it's our hope that eventually the city
19 and county will start having those conversations
20 collectively as you all move that forward as it pertains
21 on the city side. We talked about services. And I
22 don't want to go into that discussion now. I don't
23 think it's appropriate. We'll do that at a different
24 time.

25 The next thing that we just want -- and

1 it keeps on coming up, right, the inertia, the barriers
2 to achievement. And I believe where there's a will,
3 there's a way. I believe that you guys have the right
4 partners --

5 JUDGE CARTER: Yeah.

6 MS. MARTINEZ: -- whether it's LAHSA,
7 whether it's the county, whether it's mental health,
8 whether it's your service providers. You know, there
9 has been a system that has been in place as it pertains
10 to the political systems and to the systems of the city
11 very different from the issue that we are speaking of
12 today as it pertains to homelessness.

13 I get that there's political issues. And
14 that's something that we can talk about time and time
15 again. And the reality is, is that this is not the
16 discussion that we want to have here. What we want to
17 know is that what is it going to take if you all do
18 identify the housing accommodations and the properties,
19 before we get -- before you bring something to the
20 Court, what are some of those barriers and challenges?

21 Is it going to be, you know, as it
22 pertains to jurisdiction issues, county versus city or
23 Caltrans? You guys -- there's Metro property that we
24 saw on some of the listings. There's community college.
25 There's all these other public properties.

1 And so, we want to know as you all move
2 forward, you know, what are those jurisdictional issues.
3 What are some of the current regulations and systemic
4 policies that you currently have in place that will not
5 be able to help you move forward to some of these
6 current housing accommodations that you all spoke of or
7 some of them that have been working but you're not able
8 to scale up. We want to know that firsthand.

9 And then, I think the 800-pound elephant
10 in the room, as we deal with city and county finances,
11 right, the funding. And that I believe too should not
12 be a barrier. There are certain monies that have been
13 allocated, whether it's no because of COVID-19 and how
14 can we utilize those funds to house as many people as
15 you all possibly can. That's an opportunity in hotels
16 and motels.

17 But there's also, you know, funding
18 that's available that has been dedicated from the county
19 based on its recent budget discussions that they want to
20 allocate towards homelessness. The city has
21 articulated, the mayor has and the council has
22 articulated that there are going to be certain revenues
23 that will be committed to homelessness. And so, we know
24 what those figures are.

25 And so, I get that some of the funding

1 streams and the allocations, whether from the federal,
2 state, all the way down to the local level may not be at
3 the levels we may have hoped for post-COVID-19.

4 But we want to know what can we get done
5 with the funding that you do have available, right? We
6 don't want to know what you can't get done. We want to
7 know what you can get done.

8 And so, based on that, I would like to
9 open it up to you all because I just talked to you about
10 zoning and land use issues, funding streams and
11 allocations, the jurisdictional issues and obviously
12 some of the systemic policies and procedures that will
13 kind of delay some of these housing accommodations
14 and/or placements.

15 You know, if there are anything -- if
16 there's anything else that the Court may not know about,
17 we would like to know about that now so that as you all
18 move towards putting your plans together, we're not
19 blindsided.

20 JUDGE CARTER: Yeah.

21 MS. MARTINEZ: And so, that's important
22 for us. So I'll just open up this discussion. And I'll
23 start with you, Liz.

24 MS. MITCHELL: Well, I'm certainly not
25 going to be identifying problems.

1 MS. MARTINEZ: Yes.

2 MS. MITCHELL: I think that you've done a
3 great job in laying out some of the issues that have
4 been historically concern. On the money front, because
5 that's something that we are hearing quite a bit, is
6 that, you know, things are very uncertain with COVID.
7 And as I pointed out, yes, things are very uncertain
8 with COVID. There have been monies that have already
9 been allocated that can be reallocated.

10 There is also funding streams available
11 at the moment because of the COVID crisis that I think
12 we need to take advantage, which was Shayla's point
13 earlier, that we can jump on immediately. But we have a
14 closing window of opportunity in which to do this.

15 We can also go to the state and request
16 additional funding. Again, the window of opportunity is
17 here now because we have the May revise happening on the
18 state level. We have a lot going on at the state level.

19 So if we can work together quickly both
20 to take advantage of the state funds, the emergency
21 funds that are available, I think that would be a huge
22 help. there are also separate buckets of money that are
23 available both from the county level and on the city
24 level that I think we can really take advantage of --

25 But I've heard that a lot, that it's a

1 money issue. And I just want to reiterate that point,
2 Michele. I don't -- while I understand money is an
3 issue, I don't think that that can be an impediment to
4 systemic change that we need to see.

5 MS. MARTINEZ: City of Los Angeles? Any
6 barriers that you see beyond what I discussed that has
7 been put out there --

8 JUDGE CARTER: Yeah. And let --

9 MS. MARTINEZ: -- beyond what -- that
10 we've highlighted here. Is there anything else that we
11 should be aware of?

12 JUDGE CARTER: Can I read those off to
13 them?

14 MS. MARTINEZ: Yes. Go ahead, Judge.

15 JUDGE CARTER: I want to read those off
16 to you because we spent all week --

17 MS. MARTINEZ: Just --

18 JUDGE CARTER: Saturday. We tried to
19 think of all the things because you didn't have a plan
20 last time. We put this down last week and then I made
21 the mistake and sent you home.

22 Okay. So we put down systematic policies
23 and procedures as a barrier. We put down regulations
24 and environmental concerns that we ran into with the
25 Maple property. We put down jurisdictional issues. We

1 put down funding streams and allocation, the age old
2 fight between the county and the city frankly, which is
3 why you're here, Heidi, for LAHSA. I'm just kidding
4 you. But I'm not. You're a compromise between the two
5 of them, a wonderful compromise, by the way. But you
6 have no political power. You can't make anybody move.

7 And I constantly hear, no matter what you
8 say at this table, that bickering back and forth about
9 who's going to pay for it and with the city pointing at
10 the county and the county putting at the city. And I
11 want to put that right on the table. I've got to break
12 that somehow.

13 And zoning and land use and cooperation
14 amongst government entities. So last time we saw
15 Caltrans that I landed on. I've got the city going like
16 this because Caltrans gave it to the city. I can't
17 figure out the 2005 agreement. Maybe some bureaucrat
18 can.

19 I mean, it is so intertwined and so
20 interwoven that if you tell me you can understand it,
21 I'm going to tell you that any one of the parties could
22 argue that that's an obstacle, an impediment and a
23 reason not to do it.

24 Where's the state? I've got Caltrans
25 here. But where's the state in our group? Do we have

1 the right people at the table? And it dawned on me I'm
2 talking to Caltrans. I'm talking to the state.

3 And let me give you an example. I don't
4 care what you said. I've heard from the governor that
5 we have hundreds and hundreds of pieces of property from
6 Caltrans. You've heard the same thing. What do we
7 have?

8 MS. MARTINEZ: Nineteen.

9 JUDGE CARTER: Nineteen. And one of
10 those is county and the rest potentially are city. And
11 we don't even know what the -- that's fine with me, as
12 long as I know what I'm operating under. And Eric
13 should know that too, okay? What do we really have?
14 And with the city, I used to hear we have thousands of
15 pieces of property.

16 Well, I've got a confidential memo that
17 says we've got a couple of pages of pieces of property
18 right now. Now eventually I'm going to ask the city
19 that released as exhibit A, if you might consider making
20 that public to the other side. And the reason for that
21 is I want you to see what they're putting down because
22 you may know of five other pieces of property. But
23 right now it's confidential to the Court.

24 But if I've got now 40 or 50 pieces of
25 property, that's all I want to know. I want to know

1 what my playing field is so I'm not hearing that there's
2 thousands of pieces of city property when in fact we
3 only have a couple hundred. But that's fine.

4 MS. MARTINEZ: Sure.

5 JUDGE CARTER: Then I know how to make a
6 semi-intelligent decision because you want me, whatever
7 I'm doing, whether I'm acting sua sponte or whether I'm
8 waiting for you to be making the best decisions possible
9 for all of you. And it's not going to be across the
10 board and none of you are going to be completely happy,
11 okay? So I'm going to finish, Michele. And then you go
12 on.

13 MS. MARTINEZ: Okay.

14 JUDGE CARTER: What are we missing? By
15 the way, we're missing CEQA on this.

16 MS. MARTINEZ: hat's a -- yeah, that's
17 regulation and environmental concerns.

18 JUDGE CARTER: Yeah. But what they do is
19 like in the federal court.

20 MS. MARTINEZ: Because they're --

21 JUDGE CARTER: Several of them have run
22 into state court, have a filing, hold up what we're
23 doing here. And CEQA is part of this process. And how
24 -- if we're going to settle, how in a sense do we give
25 the Court -- with all of our good faith working

1 together, the ability to take on CEQA so you're not
2 getting stalled with every project and every person.

3 And by the way, I know that you're in a
4 problem with your Los Angeles property. Let's put that
5 on the table. You know, this LA property, this site
6 down here. Hey, I'd like 10 of those. Guess what?
7 That is just baby steps. And so, this Los Angeles
8 person is complaining, rightly so, that he's got a
9 project and somebody might get sued.

10 Hey, there's going to be a lot of
11 lawsuits. You know how to diffuse that? Get me 10
12 pieces of property. Get me all four pieces of property
13 that you initially put out in that memorandum, okay, and
14 expand this rapidly.

15 So I've just been walking, trying to
16 discover. But if you think I came up here for one piece
17 of property underneath the freeway, you're smoking
18 medical marijuana. You think I came up here for one
19 site on Los Angeles Street? Absolutely not.

20 And so, what I'm saying to you, I really
21 wish we had 20 pieces of property in Skid Row on the
22 table right now and then that one person would not be
23 feeling singled out, okay? So I'm back to you, Michele.

24 MS. MARTINEZ: So beyond the barriers
25 that we've just talked about, are there any other

1 barriers that the Court should be aware of as you all
2 move toward putting your guys' agreement forward?

3 MS. MYERS: I mean, I -- so from the --

4 MS. MARTINEZ: No. So go ahead. Go
5 ahead, Shayla.

6 MS. MYERS: Yeah. From the interveners'
7 side, I think, Judge Carter, you just identified --

8 JUDGE CARTER: Hold on. I'm coming over
9 there. I'm listening.

10 MS. MYERS: I think you just identified
11 it. I mean, the parties came together on a site and
12 there were some nimby concerns about that site. And the
13 city capitulated and they're no longer using that site.
14 And so --

15 MR. MARCUS: Wait. Wait.

16 JUDGE CARTER: No, no. No.

17 MR. MARCUS: No. That is not what I said
18 at all.

19 JUDGE CARTER: Marcus, that's --

20 MS. MYERS: Is that not what happened?

21 MR. MARCUS: That is not what I said at
22 all. No.

23 MS. MARTINEZ: No. No.

24 MR. MARCUS: You are misconstruing the
25 email that I sent you. Let me be very clear what I sent

1 you. We had an agreement to use a particular site --

2 MS. MYERS: Yes.

3 MR. MARCUS: -- as the RV safe parking.

4 MS. MYERS: Yes.

5 MR. MARCUS: The plaintiffs withdrew
6 their agreement --

7 MS. MYERS: Yes.

8 MR. MARCUS: -- to that particular site.

9 MS. MYERS: Yes.

10 MR. MARCUS: We brought that issue to the
11 judge. The judge said he's leaving it to the parties.

12 MS. MYERS: Yes.

13 MR. MARCUS: So I sent around an email
14 this morning saying let's see if we can find a site that
15 all the parties agree to.

16 MS. MYERS: Yes.

17 MR. MARCUS: I didn't say we were giving
18 up on anything. I didn't say we capitulated on
19 anything. I said let's try to find agreement amongst
20 all the parties. And I proposed some additional sites
21 that maybe we could all agree on.

22 MS. MYERS: Sure. And I think to Judge
23 Carter's point, we need all of them.

24 JUDGE CARTER: Yeah.

25 MS. MYERS: And I think our concern is,

1 is that we don't just need the Los Angeles site. We
2 need the Gladys site. We need the -- we need all of
3 those sites. And so, Scott, if I could just finish
4 because the city had some time. So I just want to take
5 just a brief minute.

6 JUDGE CARTER: Go ahead.

7 MS. MYERS: The problem is that the
8 politics that have caused inertia in this city for
9 decades, it's why we're concerned about council district
10 by council district. And I appreciate that you're going
11 to make that decision.

12 But it is that continued like wrapping up
13 siting of resources based on the politics of what is
14 going into those locations. And the reality is unhoused
15 folks have been demonized for decades. And so, the
16 suggestion that you would place housing on a site that
17 is a residential location becomes problematic for
18 communities because unhoused people are going to those
19 locations.

20 That is -- there is no one at this table
21 who can say with a straight face that NIMBY concerns and
22 politics are not a huge obstacle. And so, unless the
23 Court can find a way to cut through that and unless the
24 council districts can find a way to cut through that,
25 unless the mayor's office can find a way to cut through

1 that, that is the inertia that killed this way more than
2 zoning and land use.

3 JUDGE CARTER: So I want you to translate
4 --

5 MS. MARTINEZ: Understand that --

6 JUDGE CARTER: -- what Shayla just said
7 in really simple terms. More than one councilperson has
8 said, Judge, we wish you could make the decision. Now,
9 hold on. That means though that I'm acting in a sua
10 sponte manner. I'm not the mayor of the city. I'm not
11 the council of the city.

12 But at some point, depending upon the
13 issue, the Court may have latitude to act in a sua
14 sponte manner. But I don't have latitude to act and
15 direct public monies being billed or a specific location
16 and maybe not even the timing unless public health and
17 safety is involved, okay? So I want to be careful with
18 that power.

19 But by the same token, if it's
20 appropriate, I'm not concerned about exercising sua
21 sponte power. It's just where and when. So I'm being
22 very patient with you in terms of tomorrow afternoon I
23 expect to hear -- and I'm going to put it -- do we have
24 a settlement or not. Do we have a settlement or not?

25 MR. YOUNG: Sure.

1 JUDGE CARTER: I want to know that
2 tomorrow. And I'll stay until midnight. I kid you not.
3 You guys went home early at 5:30. Congratulations. I
4 want Mary involved. I want Kathryn involved. I want
5 your board involved and I want you to make -- do you
6 have a settlement or not.

7 If not, just tell me and we'll put it on
8 the record we can't reach it, okay? And then I'd like
9 the city, Marcus, to start on Friday or Monday. There's
10 no problem. But your timing is going to tell me if I
11 need to act. And I'm trying not to act and get in the
12 way of your settlement because what I might be thinking
13 about doing might be an interference of the good faith
14 negotiations.

15 MR. MARCUS: Well, and Your Honor, to
16 that point, to that point, if the purpose of this --

17 JUDGE CARTER: I can't hear you.

18 MR. MARCUS: If the purpose of this is
19 for all of us to come to a consensus, to come to an
20 agreement --

21 JUDGE CARTER: Right.

22 MR. MARCUS: -- then it's going to take
23 unfortunately a little bit of time. And there's going
24 to be zigs and zags because there's going to be times
25 where we can all agree. And there's going to be times

1 where we can't agree. If we don't want to all agree on
2 something, we can just go forward as we have been which
3 is the city will do what it wants to do and we'll get
4 sued. And we'll figure out after the fact if it was
5 right or not.

6 But if the advocates want an agreement to
7 not use sprung structures or congregate structures or
8 congregate shelters, which the city isn't agreeing to
9 until the CDC or DPH tells us otherwise, it's still a
10 viable option. How is that any different?

11 Why do we have to adhere to your
12 objections but you don't have to adhere to their
13 objections? If we're all looking for consensus, then
14 let's work towards consensus.

15 JUDGE CARTER: Yeah.

16 MR. MARCUS: If everyone can just object
17 and expect to be listened to on that objection --

18 JUDGE CARTER: Yeah.

19 MR. MARCUS: -- then we can just all go
20 home.

21 JUDGE CARTER: Marcus, let me ask you
22 something. I could conduct myself in what I call a slow
23 motion way. I can get John Sherin back in here. If you
24 listened very closely to him, he's in favor of
25 congregate shelters. If you listen very closely -- no,

1 hold on a minute. Now I'm talking. Then you'll have
2 unlimited opportunity.

3 If you listen to him, he'd like to make
4 it 10 percent better. He'd like to make it anything
5 better right now because he's tired of waiting. And if
6 you listen very closely, he just wants to approve it.
7 Perfect? Absolutely not.

8 But he's afraid of not moving forward. I
9 think Barbara is going to take the same position, quite
10 frankly. But I can conduct a public hearing and I can
11 get them in here under testimony. I'm happy to do that
12 because I think they're going to add on congregate
13 shelters still at this point.

14 And why wouldn't the Court be closer to
15 listening to a mental health officer? Or if they're not
16 in favor of it, I'd like to know that either way. If
17 Barbara's changed her position and she's not in favor of
18 congregate shelters or these recreational sites, if she
19 thinks that that's bad because of one outbreak or more,
20 I'd like to know that. I need to pay attention to that.

21 So I'm happy to conduct a public hearing
22 with those officials present to testify. And frankly
23 that gives you all cover because frankly you're leaning
24 on your public officials for a lot of the decisions on
25 your public health officers because you don't want to be

1 accused of politics, right? So tell me at the end of
2 the day if you want that public hearing because I'm
3 happy to call it. And we'll have a public hearing and
4 hear what they have to say on the record.

5 MR. MARCUS: I just want to make sure --

6 JUDGE CARTER: Now I think right now
7 you're at congregate shelters of some type. I think
8 you're even at the VA model, quite frankly, getting
9 people who are sleeping on the street into an enclosed
10 area with security, lighting, food --

11 MS. MARTINEZ: Services. Services.

12 JUDGE CARTER: Services. And is that God
13 awful? That is horrific. But the end result is you are
14 seeing -- and I think the LA Times first or something,
15 Ben wrote an article about that recently about how happy
16 the people were out at the VA shelter.

17 But remember those are veterans that are
18 getting in. That doesn't treat a holistic population
19 where we've got tremendous diversity between people out
20 there. And that's the people -- the person approach
21 that you're approaching, Shayla, that we need to be very
22 sensitive to.

23 So almost done, almost done. So
24 everything's on the table. Everything is on this table.
25 It's on the table. If you can get me housing, great.

1 If you can get me trailers, great. If you can get me
2 recreational, great. If you can even get me better
3 enclosures in a parking lot, then upgrade the services
4 in some way where a person sleeping on the street --
5 now, we can't do that -- we can't do that forcibly. We
6 can't say to you, you must go to this lot.

7 We have to create something that is
8 better than people are getting so they're willingly
9 ready to go. And I'll represent to you I feel this
10 strongly. If we do that even a little bit better like
11 the VA, 50, 70, 80 percent -- I'm asking up those
12 figures -- are voluntarily going to go there because
13 they get food.

14 They get a shower. They get a toilet,
15 that people have been complaining about, that before
16 this broke out we didn't even get toilets in the city.
17 They were fighting to get 50 more down on Skid Row.
18 What a great victory, you know? Come on.

19 If we do that and it's 10 percent better,
20 then I don't want to hear that it's a financial
21 obstacle. It's not a financial obstacle. I can say
22 police resources by putting two officers or three
23 officers down there. You're burning out your time. I
24 can get the trash that we're concerned about into a
25 congregate area so we can manage that. We can even

1 start a funnel system where people are passing through
2 and we see I they want these kinds of services.

3 I mean, are they really the people who we
4 want -- who we can work with or are they shooting dope
5 and, you know, the gangbangers and they don't want any
6 part of this and we have to get something else for them.
7 Maybe it's a good test case. But we can do all those
8 things cheaply.

9 So a part of this confidential thing says
10 it's going to cost x amount. No. It's not. No. It's
11 not because you're wasting so much time and resources
12 right now in what we're doing that I think I can make
13 that revenue neutral. Now, the more money you give, the
14 better resources we can get. Don't get me wrong. But
15 we're not even starting with that process right now.

16 So I'm telling you everything's open to
17 this Court on the table, everything from housing, long-
18 term, transitional, trailers, recreational vehicles to
19 getting a parking lot, quite frankly, as long as we're
20 upgrading the services because there's no difference
21 than sleeping on the ground here and giving a person an
22 opportunity to sleep on the ground over there.

23 And by the way, what's wrong with
24 bringing your own tent? You're not supplying tents fast
25 enough. Am I afraid of the homeless bringing their

1 items? Hey, bring your items with you for goodness
2 sakes. Bring your tent if you want to, if you want to
3 come. But I doubt that you can force people because
4 even if you thought you could force people in, you can't
5 kill yourself out of a war. And you can't arrest
6 yourself out of homelessness.

7 So it's got to be better than because 60
8 percent of these people I promise you will come in and I
9 promise you they'll walk away from all these items, like
10 these bulky items and possessions, if they can get fed,
11 get a shower, get clothed. And that's going to be
12 something then we can start to manage and move to this
13 other group.

14 Now I'm going to stop for a moment
15 because I'm sucking the oxygen out of the room. But I'm
16 telling you everything is on the table for this Court.
17 And I promise you, please --

18 MS. MARTINEZ: So --

19 JUDGE CARTER: -- settle this because --

20 MS. MARTINEZ: Some of the other --

21 JUDGE CARTER: -- I will settle it for
22 you.

23 MS. MARTINEZ: Yes, Brooke?

24 MS. WEITZMAN: I just -- so that's kind
25 of exactly the point about the concerns --

1 JUDGE CARTER: Hold on, Brooke. I'm
2 coming to you. The room echoes.

3 MS. WEITZMAN: In terms of the -- yes.
4 I've noticed. But in terms of the concerns about the
5 response to the NIMBY folks, the response to the
6 politics, that's exactly the point. We said we're
7 concerned about congregate living. It is dangerous.
8 The CDC says not to do it. And because it's one of the
9 options on the table, the city did it anyway, which is
10 fine.

11 When it comes down to one single parking
12 lot that we all agreed to, when the NIMBY attitude comes
13 out, the city says, well, let's talk about if there's
14 something else we can use instead, not we're barreling
15 forward and what else can we add. And so, that's a
16 perfect example of the fact that we are concerned about
17 that barrier.

18 MS. MARTINEZ: Okay. Great. Thank you.
19 So I just want to move on. There's three other things
20 that weren't listed that we've heard. Capacity issues,
21 right? I haven't heard anyone talk about that. So I
22 just wanted to bring that there is capacity issues.

23 Then county and the services that they're
24 going to be able to provide, right, whether it be to the
25 city of Los Angeles and what those services will look

1 like and/or -- and then as well systemically some of the
2 issues and authority that LAHSA has.

3 I think what we've heard as we've been on
4 this roadshow between various entities and elected
5 officials, what we keep hearing, and no fault of their
6 own, right, is that, well, LAHSA does this. LAHSA
7 doesn't do this. Or we've heard from other
8 jurisdictional cities, LAHSA -- you know, we're not at
9 the table, right? It's five members of the city, five
10 members on the county side that create this commission.

11 And what about, you know, the
12 representation of all of these other smaller cities.
13 And we're not receiving the funding. We're not
14 receiving the appropriate services. And so, those have
15 been concerns as we've talked to various cities --

16 JUDGE CARTER: Yeah.

17 MS. MARTINEZ: -- across the region.
18 That's been some of those issues. So I also wanted to
19 bring those out as well since we are here and talking
20 about barriers. So now I'll go to the county because I
21 know he had some of the same concerns that I did. But
22 go ahead.

23 MR. YOUNG: Yeah. No. I mean, I think
24 there's very clearly system capacity issues.

25 MS. MARTINEZ: System.

1 MR. YOUNG: And I am very worried,
2 especially given kind of, you know, we don't know where
3 this is going to go. But I get very worried about
4 whether we are being honest and equitable to LAHSA and
5 whether LAHSA is going to be able to actually meet its
6 charge.

7 I also think that obviously the NIMBY
8 concerns are apparent. I would just phrase it
9 differently. You know, for the city -- I mean, for the
10 county, and I assume for the city, we're going into this
11 process because we need to get some finality to do our
12 jobs. And we can't be in an endless loop of litigation.
13 And there may not be an elegant way to fix it and it may
14 not be a problem we're going to get away completely.
15 But that's obviously a concern.

16 And then, the other thing I don't see
17 here but I think it permeates all of it, particularly on
18 the funding -- and I don't want to focus on the funding
19 because I hear what everybody is saying.

20 MS. MARTINEZ: Yes.

21 MR. YOUNG: Time.

22 MS. MARTINEZ: Time. Yeah.

23 MR. YOUNG: Where we are right now is
24 different than where we're even going to be two months
25 from now when we have kind of approved county budgets,

1 when we have the state budget and we have more certainly
2 on kind of what the federal government is going to do
3 with things like FEMA. And the commitments we can make
4 today might be very different than the commitments we
5 can make tomorrow.

6 I know they're very different than the
7 commitments we thought we were going to be able to make
8 a month ago. They're significantly less than what we
9 thought. So I was going to have Dee Allen talk. But,
10 you know, I don't want to kind of belabor the point.
11 But property, time and money are kind of the issues.

12 MS. MARTINEZ: Okay.

13 JUDGE CARTER: Let me ask you something.
14 Can I bother you for one moment?

15 MS. MARTINEZ: Yeah. Yeah.

16 JUDGE CARTER: We're going to be right
17 back. If you want to use the restroom, go use it for a
18 moment because I want to ask -- there was some question.

19 COURT REPORTER: This marks the end of
20 media number one. The time is 11:48 a.m. We are off
21 the record.

22 (Off the record.)

23 (End Media 1.)

24 (Begin Media 2.)

25 JUDGE CARTER: Okay. Any other comments

1 or thoughts? Otherwise I'm prepared to read to you.
2 Okay. This is the fourth or fifth draft. I haven't
3 completed this. So it's a rough draft. And I'll be
4 sending this out to you by tomorrow. And I'm going to
5 give you five days for briefing. That means you'll be
6 working over the weekend.

7 Alliance for Human Rights v. City of Los
8 Angeles, et al. Order for briefing. As the record has
9 developed in this case, the Court has become
10 increasingly concerned that a particular subset of
11 individuals experiencing homelessness, those who live
12 under freeway overpasses and underpasses and near
13 entrance and exit ramps, are exposed to severely
14 heightened public health risks as a result of where they
15 live.

16 Indeed all parties in this action agree
17 that it is unreasonably dangerous for humans to live in
18 areas that may, for example, be contaminated with lead
19 or other carcinogenic substances. And I've got a
20 footnote one that refers back to a number of items that
21 we've discussed.

22 However as with many issues involving
23 individuals experiencing homelessness, no party appears
24 to be addressing this problem with any urgency. The
25 Court is therefore considering -- I haven't issued it

1 yet, but considering, to be polite to you, to get your
2 input, is considering issuing an emergency order
3 requiring this subset of individuals experiencing
4 homelessness be relocated away from freeway overpasses,
5 underpasses and ramps concerning public health risks of
6 living adjacent to freeways.

7 Since this case began on March 10, 2020,
8 the burgeoning COVID-19 pandemic has been of primary
9 concern. This crisis poses an especial danger to the
10 vulnerable homeless population. Without adequate access
11 to shelter, hygiene products and sanitation facilities,
12 individuals experiencing homelessness face a greater
13 risk of contracting the novel coronavirus and an
14 outbreak in the homeless community would threaten the
15 general public as well.

16 In its hearings, status conferences and
17 settlement negotiations, the Court has therefore
18 maintained a particular focus on the public health
19 issues facing the homeless community in the Greater Los
20 Angeles area.

21 As the Court has continued to learn from
22 the parties, as well as other participants in the
23 hearings and conferences, it has become clear that many
24 homeless individuals face an additional immediate health
25 hazard as a result of camping near freeway overpasses,

1 underpasses and ramps. These locations pose a twofold
2 danger. First, they expose homeless individuals to
3 elevated levels of pollutants and contaminants including
4 lead and other carcinogens which have deleterious health
5 impacts and can shorten a homeless person's life
6 expectancy by decades; in fact, over 20 years I've been
7 told repeatedly. And if we need that backup, I'll get
8 that testimony on the record for you.

9 Second, these locations also increase the
10 danger that a homeless person will be struck by a
11 vehicle or injured in the event of an earthquake or
12 crash, like the 880 freeway up in San Francisco. And I
13 added that just as an example.

14 The Court's proposed emergency measures
15 to protect those individuals experiencing homelessness
16 currently living near freeway overpasses, underpasses
17 and ramps. The Court is contemplating issuing an
18 injunction requiring that they be relocated away from
19 such areas.

20 Concerning the legal standard, the Court
21 may order injunctive relief on its own motion and is not
22 restricted to ordering the relief requested by a party,
23 citing *Armstrong v. Brown*. A preliminary injunction is
24 an extraordinary remedy requiring courts to balance
25 competing claims on a case-by-case basis with particular

1 regard for public consequences of issuing an injunction.
2 Winter v. National Resources Defense Council, Inc.

3 For a court to issue a preliminary
4 injunction, it must find, first, that there is a
5 likelihood of success on the merits; second, absent
6 preliminary relief, irreparable harm is likely; third,
7 the balance of equities tips in favor of preliminary
8 relief; and fourth, an injunction is in the public
9 interest. I cite Trucking Association v. City of Los
10 Angeles.

11 Alternatively an injunction can also be
12 justified if there are serious questions going to the
13 merits and the balance of hardships tips sharply in
14 favor of injunctive relief, assuming the other two
15 elements of the Winter test are met. Citing Wild
16 Rockies v. Cottrell.

17 A serious question exists when there is a
18 fair chance of success on the merits. Citing Sierra On-
19 Line, Inc. v. Phx. Software. The Ninth Circuit follows
20 a sliding scale approach to four preliminary injunction
21 elements such that a stronger showing of Wild Rockies
22 element may offset a weaker showing of another as long
23 as irreparable harm is likely. Doe v. Kelly.

24 Concerning the discussion. And this is
25 where I wanted to give you an opportunity, although I

1 thought long and hard about giving you any opportunity
2 and just issuing this. This is something that I'm
3 politely going to request your participation in. But
4 you are very close to just having this issued without
5 any further discussion by the Court.

6 Under the California Welfare and
7 Institution's Code provides as follows. Every county
8 and every city and county shall relieve and support all
9 incompetent, poor, indigent persons and those
10 incapacitated by age, disease or accident.

11 Lawfully resident therein, when such
12 persons are not supported and relieved by their
13 relatives or friends, by their own means or by state
14 hospitals or other state private institutions.
15 California Welfare and Institution's Code 1700.

16 This provision is intended to, quote,
17 "provide for protection, care and assistance to the
18 people of the state in need thereof and to promote the
19 welfare and happiness of all of the people of the state
20 by providing appropriate aid and services to all of its
21 needy and distressed," end of quote.

22 Such aid and services shall be provided
23 promptly and humanely with due regard for the
24 preservation of family life and on a nondiscriminatory
25 basis. There is at the very least a serious question as

1 to whether the city of Los Angeles and county of Los
2 Angeles have failed to meet these obligations under
3 California law by providing inadequate housing such that
4 homeless individuals must shelter in inherently
5 dangerous locations.

6 The city of Los Angeles and the county of
7 Los Angeles may also have exposed the homeless residents
8 living near the freeways to a public nuisance. And
9 while Martin v. City of Boise addressed only the Eighth
10 Amendment, it gave constitutional significance to the
11 availability of shelter which in this context could
12 plausibly implicate due process and equal protection
13 clauses of the Fifth and the Fourteenth Amendments.

14 Accordingly the Court finds a sufficient
15 likelihood of success on the merits to support a
16 preliminary injunction and provide relief to the narrow
17 subset of individuals experiencing homelessness who live
18 under or around a freeway in the Greater Los Angeles
19 Area.

20 I'm also going to include all city
21 streets in just a moment, not just the freeways because
22 I recognize that nobody has joined the state up to this
23 point and there will be finger pointing between the
24 state and the city and the county as to who has
25 responsibility. I'll let you work that out. I'm not

1 going to go through each overpass. I'm just going to
2 command that you do something. And you'll figure it out
3 from now on.

4 The likelihood of irreparable harm
5 justifies preliminary relief. Given the health hazards
6 described above, the Court has no difficulty finding a
7 grave risk of irreparable harm. When homeless
8 individuals are exposed to such dangers as toxic fumes,
9 hazardous or waste concentrations of lead, car crashes
10 and the potential collapse of an overpass in an
11 earthquake, their health is threatened in a way that
12 monetary damages cannot adequately compensate.

13 Additionally homeless persons living near
14 freeways need not suffer these harms at all or at least
15 need not suffer them any further. And this outcome can
16 be achieved with a preliminary injunction.

17 Because of the public health risks
18 inherent in living near freeways, the Court finds that
19 the homeless individuals that live in such locations
20 face a likelihood of irreparable harm justifying a
21 preliminary injunction.

22 The balance of equities tips in favor of
23 a preliminary relief. As already discussed, the
24 homeless individuals who live near freeway overpasses,
25 underpasses and ramps face severe health hazards. By

1 comparison, the city of Los Angeles and county of Los
2 Angeles would only need to invest relatively modest
3 financial -- and I repeat that, modest financial
4 amounts.

5 So I will no longer hear that this costs
6 x amount because I can almost assure you that this is
7 revenue neutral and that the obstacle of constantly
8 throwing these obstacles in front of the Court may get
9 less care than the Court would like to give. But these
10 are not obstacles.

11 And the administrative resources to
12 provide safe and healthy shelters to these individuals.
13 As such, the Court finds that the balance of equities
14 weighs in favor of an injunction. A preliminary
15 injunction is in the public interest.

16 Finally a humane relocation. And I
17 repeat that. A humane relocation that you can
18 participate in or displacement from freeways in support
19 of public health will support the public interest.

20 So the proposed relief is as follows. As
21 mentioned above, to protect the homeless individuals
22 camping near freeway overpasses, underpasses and ramps,
23 the Court is considering issuing an injunction requiring
24 these individuals to be humanely -- and I stress that --
25 humanely relocated away from such areas.

1 As part of this humane relocation effort
2 and to promote the underlying public health goals, the
3 city of Los Angeles and the county of Los Angeles would
4 be required to provide shelter or alternative housing
5 options such as safe parking sites or hotel or motel
6 rooms contracted under Project Room Key or the open lot
7 and open air facility provided at the VA facility where
8 literally they are packed because people are coming in
9 because they at least are still sleeping in a pallet
10 unfortunately or on the ground.

11 But at least we've upgraded the services
12 concerning toilets that they haven't received, that
13 before this crisis the city wasn't willing to disperse
14 frankly.

15 Number two, at least they're getting
16 medical in a concentrated place. At least they're
17 getting food. At least they're getting shelter. And is
18 it good? No. But it's better then. Now remember,
19 these folks aren't being forced in. We firmly believe
20 that if you create this, enough people are going to move
21 into this location. And if not, then we'll be proven
22 wrong.

23 So here's the offer to you instead of
24 just issuing this relief today, which was what you were
25 about to get. As part of this humane relocation effort

1 and to promote the underlying public health goals, the
2 city of Los Angeles and county of Los Angeles would be
3 required to provide shelter or alternative housing
4 options such as safe parking sites -- we could add
5 recreational to it.

6 We could add pallet shelters. We could
7 add parking lots. We could add anything to this list
8 that you want. So don't tell me that this is going to
9 cost too much money. It depends upon the services and
10 how humane we want to be. And that's your decision.

11 As shelters are established and homeless
12 camps are relocated away from freeway overpasses,
13 underpasses and ramps, the following criteria at a
14 minimum would have to be satisfied to ensure that the
15 process remains humane and serves the best interest of
16 the affected individuals experiencing homelessness.

17 First, all shelters and alternate housing
18 options must be configured with adequate physical space
19 to allow the sheltered individuals to maintain the
20 minimum recommended social distance of six feet to
21 mitigate the transmission of SARS or COVID --

22 MS. MARTINEZ: Nineteen.

23 JUDGE CARTER: And if I need to get
24 Barbara Ferrer in here, if that standard has changed or
25 different, I want her on the record telling me that

1 she's not in favor of congregate shelters anymore and
2 the Court will reconsider.

3 If Dr. Sherin believes that, I want to
4 reconsider. But trust me, he's not. He still believes
5 strongly in congregate shelters. And his position, if
6 you listen closely, is what the Court's proposing, all
7 the way from a parking lot that you stand up immediately
8 to getting long-term supportive campers or recreational
9 trailers.

10 Second, all shelters and alternate
11 housing options must have adequate hygiene facilities.
12 Let me repeat that. Adequate hygiene facilities such as
13 handwashing stations and showers. And I'm not going to
14 be your toilet guy checking anymore, although I was down
15 at Skid Row yesterday. By the way, you did an excellent
16 job surfacing down there.

17 Okay. There's a couple. But don't worry
18 about that. We'll burn those toilets and get two more.
19 Just kidding. But I'm not. I'm done being your toilet
20 guy.

21 Third, all shelters and -- in other
22 words, we just were walking. You're going to start to
23 run. You're going to walk and chew gum faster than you
24 ever thought you could unless you get on the ball and
25 take this out of the hands of some of us at this meeting

1 because if you don't, I'm taking baby steps with this, I
2 promise you.

3 All shelters and alternate housing
4 options must have nursing staff. Let me repeat that.
5 If you can stand that up in recreational facilities,
6 you're going to get nursing staff. And I would invite
7 the city, since you're going to be tearing down
8 recreational shelters, to seriously consider moving that
9 already in place staff so you don't have to build it up
10 again to whatever we're going to get up in a very quick
11 period of time because otherwise you're going to
12 download it and then tell me you can't afford it.

13 Well, you've got staff in place right now
14 with 24 shelters. And you've done an excellent job, by
15 the way. No reason you can't transfer that. But I
16 leave that option to you.

17 So here we go. Nursing staff will upon
18 intake and test each homeless individual for
19 communicable diseases under the health conditions. So
20 that will take away the -- if you decide to go with
21 parking lots, that will take away the enclosure problem.
22 If you decide to go with individual housing, which I
23 hope you do, great. But that's your choice as the city
24 council and the mayor, et cetera.

25 Fourth, all shelters and alternative

1 housing options must be staffed by security as necessary
2 to ensure the safety of the homeless persons sheltered.
3 Just go out to the VA and talk to the people and how
4 happy they are to live in a humble parking lot just
5 because they have the security and food. Is that the
6 option the Court wants? Absolutely not. But it is much
7 better than when they were living on the street. It's
8 an iterative process. That's all it is.

9 Fifth, all homeless individuals will be
10 able to retain possession of their belongings. Bring
11 what you've got because frankly I don't believe you in
12 the city and the county can provide that quickly enough.
13 So bring your stuff.

14 And must be staffed -- and whether they
15 choose to enter a shelter or alternative housing option
16 or simply relocate a sufficient distance away from
17 freeways, underpasses and ramps. So they'll be able to
18 retain their possessions. Now there may be somebody
19 with five pianos, and I'm joking about that.

20 But I think you're going to find 95
21 percent of these people or more are willing to walk away
22 from the bulk of the items as long as they can get
23 clean, take a shower and have food and not be afraid
24 that they're going to get kicked out for some arbitrary
25 enforcement reason. So you build a structure, you kick

1 them out and they don't have a tent anymore and they're
2 going out the door.

3 And six, before beginning the process of
4 clearing freeway overpasses, underpasses and ramps, all
5 homeless individuals living in the vicinity must be
6 given notice in advance. And here's what I would
7 encourage and that is you've got a DHS team doing great
8 things out there.

9 Well, for goodness sakes, let's get those
10 folks out talking to our homeless individuals and try to
11 persuade them that hopefully this is a better situation.
12 And if not, if they want to move down the street four
13 blocks, nobody is going to stop them. This isn't a
14 forced displacement. This has to be a little bit
15 better.

16 And if it's attractive than the street,
17 then these folks will come in. And if not, we might as
18 well know it. So before beginning the process of
19 clearing the freeway overpasses, underpasses and ramps,
20 all homeless individualism living in the vicinity must
21 be given notice in advance. Such notice shall include
22 information about nearby shelters and alternative
23 housing options, whatever you come up with. And I'll
24 let you sort it out.

25 Seven, all such notice is given -- after

1 such notice is given and after the city of Los Angeles
2 and the county of Los Angeles provide an adequate
3 alternative shelter for every individual experiencing
4 homelessness living in the vicinity of a freeway.

5 And I'm going to include all overpasses
6 and underpasses because remember the freeways are
7 controlled by the state and by Caltrans, except I can't
8 figure out your goofy agreement in 2005. Some of it's
9 controlled in maintenance. Some of it's controlled in
10 jurisdiction. Some of it's -- you're going to sort that
11 out for me.

12 And why the state doesn't join in this
13 lawsuit, I'll frankly tell you I have no idea. Why
14 we're at the table with the wrong players, without
15 Caltrans here and on the spot, I have no idea. But
16 that's up to you. But you're going to have to explain
17 why the city has to do it and the county has to do it.

18 And I bet you Governor Newsome wakes up
19 real quick and the state figures that they're going to
20 be pretty embarrassed when you have to clear your
21 streets, your overpasses, underpasses when they're not
22 clearing the freeways, right? It's going to have great
23 repercussions.

24 Now, why? After such notice is given,
25 after the city of Los Angeles and the county of Los

1 Angeles provide an adequate alternative shelter for
2 every individual experiencing homelessness living in the
3 vicinity of a freeway and/or city overpass or underpass,
4 the city of Los Angeles and the county of Los Angeles
5 will be allowed to enforce anti-camping laws in the
6 vicinity of freeways to ensure that these individuals
7 are moved to a safer location.

8 And this is why individuals experiencing
9 homelessness cannot be ordered by this Court -- I do not
10 intend to order the person to go to that specific
11 location. But this person has no right to live in an
12 unsafe condition once the Court is aware of this from
13 this point forward or as quickly as we can implement
14 this.

15 If all of the above requirements are met,
16 the enforcement of these limited freeway-adjacent areas
17 will be fully compliant with Martin v. Boise.

18 Now here's the courtesy I paid to you
19 because you almost got this tonight. The Court also
20 welcomes the parties' input on how this criteria might
21 be improved to better support the health and wellbeing
22 of the individuals experiencing homelessness currently
23 living near freeway overpasses, underpasses, ramps and
24 I'm going to of course include city and county in this.

25 The Court also welcomes the parties'

1 input. If enjoined, the city of Los Angeles and the
2 county of Los Angeles would be responsible for
3 disentangling which entity has authority over the
4 subject freeway locations, city streets and underpasses.
5 So I'm putting that burden on you because your 2005
6 agreement is incomprehensible.

7 And every place I go, whether it's
8 talking to Joe or Nury or Monica or whatever, Caltrans
9 is always on the line. You know, we can't police it.
10 They're supposed to police it, et cetera. So I just
11 don't understand why Caltrans and the state aren't in
12 this room right now. We've got two-thirds of the
13 players.

14 Now although the Court believes that the
15 health risks described above constitute an emergency and
16 demand a swift response, the Court invites the parties -
17 - see, out of courtesy -- for input before ordering
18 injunctive relief.

19 To that end, the Court orders that the
20 parties file briefing on the above proposal on or before
21 the date. And you can send it up to the Ninth Circuit.
22 Take it right up to the Ninth Circuit. See if I'm right
23 or wrong on that. I invite you to, in fact. If I'm
24 wrong, I'll be corrected. But where it's public health
25 and public healthy, the Court's going to act sua sponte.

1 And this is citywide and countywide.

2 Now, each party can brief no more than 25
3 pages and should at a minimum discuss the party's
4 position on the legal justification for injunctive
5 relief so we have a good order or it'll be up to the
6 circuit, and proposed remedies outlined above.

7 But the Court further orders the city of
8 Los Angeles and county of Los Angeles to include an
9 estimate of how many individuals experiencing
10 homelessness would be affected by this proposed relief
11 no later than a date and time, Heidi, and I left that
12 blank. I didn't expect you to have the numbers today.
13 I don't know if it's 250 people or 2,500 people.

14 So I'm going to be courteous in a moment.
15 I'm going to have all of you get together. I'm going to
16 have you get a timeframe because I'm also a little
17 concerned about acting during the COVID crisis. So in
18 other words, I'm telling you exactly what I'm going to
19 do. But the timing is important to me.

20 If people are social distancing at the
21 present time and that saves lives, then I don't want
22 this done in 30 days. Understood? But as soon as this
23 lifts, this will be the order of the Court. So you get
24 together and help me with the timeframe in a private
25 conversation. And I'm going to recess. And Michele and

1 I are going to walk out of this room for just one
2 moment. You're going to be ordered or requested to
3 remain because we've got a lot more to talk to you about
4 today. But if you can't give me guidance, then I'm
5 going to set down the time. And if you don't give me
6 guidance on this, once I say the dates, that's concrete
7 and conclusive.

8 Now I will get on the phone with Nury. I
9 will get on the phone with Joe. This is citywide. I'm
10 not now waiting for the district by district. I'm not
11 waiting for 60 percent or 30 percent. This is public
12 health and safety. And if you couldn't figure out that
13 this was coming, I've got to tell you, you are really
14 dense. And I'll put that on the record.

15 You knew that I was concerned about that.
16 You knew that this was coming in some form. It's just
17 when. And I will not tolerate inertia in this regard
18 any longer. So once I know it's public health and
19 safety, you're on a different footing and I feel I've
20 got great grounds regardless of Boise to act citywide
21 and statewide and I mean that sua sponte because you
22 didn't bring it to me. And I'm disappointed in that.

23 So you decide if you want the state
24 involved or not. But this extends to the entire city.
25 This is going to extend to the entire county. And if

1 you don't think I have the strength to back this up, I
2 want you to test me. I want you to see if I'm bluffing
3 because the sanctions on this will be severe. Everybody
4 understand that? You understand that? Heidi?
5 Christina? Marcus?

6 MR. MARCUS: Yes. But I'm unclear --

7 JUDGE CARTER: Not bluffing. Thank you.
8 All right. Now go discuss this because I'm done with
9 this conversation. There will be no questions that are
10 going to be asked of it. Thank you. We'll walk out.

11 COURT REPORTER: This marks the end of
12 media number two.

13 JUDGE CARTER: Give me the dates.

14 COURT REPORTER: The time is 12:26 p.m.

15 MS. MARTINEZ: No. He's asking them to
16 stay.

17 COURT REPORTER: We are off the record.

18 (Off the record.)

19 (End Media 2.)

20 (Begin Media 3.)

21 MS. MARTINEZ: We're back in session.

22 Thank you. We'd like to hear from whoever party, the
23 plaintiffs, the interveners and/or city or county.

24 MS. MARSTON: I think I was --

25 MS. MARTINEZ: Okay. Heidi?

1 MS. MARSTON: I'll start off.

2 MS. MARTINEZ: Yeah.

3 JUDGE CARTER: And pardon me. I have to
4 come over by you.

5 MS. MARSTON: That's okay. Come sit
6 down.

7 JUDGE CARTER: I apologize because I
8 can't hear you.

9 MS. MARSTON: It's okay.

10 MS. MARTINEZ: Go ahead, Heidi.

11 MS. MARSTON: Okay. So we collectively
12 hear what the Court is saying and are sensitive to it
13 and agree that this is an important population to focus
14 on and that something needs to be done rapidly. We need
15 until Friday to get a sense of the sheer scope of the
16 problem -- how many people are we talking about, who are
17 they -- to have some sort of plan.

18 It also will help us to contextualize
19 this in this public health emergency where we're in a
20 crisis statewide right now for people who are highly
21 vulnerable and are impacted by COVID. So we need to
22 keep that work moving forward and do these things at the
23 same time. So coming back Friday will give us time to
24 have something that's more concrete.

25 JUDGE CARTER: One thing that was

1 mentioned was a people approach. In a really humane
2 world, it would be nice that DHS or medical services
3 were out there talking -- I mean, talking to people
4 individually and they're -- we're trying to do
5 something. And if not, then they're given a choice.
6 They don't have to go to this place. But if they do go
7 to the place, we increase their chances of treatment in
8 some form. And that's Dr. Sherin's position.

9 MS. MARSTON: Yeah.

10 JUDGE CARTER: And why it helps. But
11 I've watched your kids out on the street. They're doing
12 a great job. I've got the pictures.

13 MS. MARSTON: They sent the pictures
14 yesterday.

15 JUDGE CARTER: Yeah. No. It's --

16 MS. MARSTON: They were very excited.

17 JUDGE CARTER: You should be so proud.

18 MS. MARSTON: Yeah.

19 JUDGE CARTER: And these young people are
20 out there and they're as good as they come. Anything
21 that we can do, one life at a time, is incredibly
22 valuable. So on the one hand, no forced displacement.
23 But we have to build something humane enough that it's
24 one step up even though it's not the ultimate goal. And
25 number two, we can't let this become a hole. So I know

1 we can't get that far. But eventually everybody's goal
2 would be get folks moving up into this -- you don't have
3 to solve that from the beginning. But we do have to
4 solve it.

5 So if we -- not if, we're going to do
6 this -- I'm going to the only milestone that you do
7 along that are okay. I LAHSA and the county and the
8 city I don't want what I think I have and that's

9 MS. MARSTON: Just moving them.

10 JUDGE CARTER: Yeah. So create that,
11 that and trying to make things better.

12 MS. MARSTON: Yeah.

13 JUDGE CARTER: Friday?

14 MS. MARSTON: Friday.

15 JUDGE CARTER: Friday --

16 MS. MARSTON: Yeah.

17 JUDGE CARTER: -- will be enough. Okay.
18 Thank you. Sarah?

19 MS. DUSSEAU: And I just want to

20 JUDGE CARTER: Yeah. Absolutely. It
21 gives you the choice to prioritize it. If I'm DHS out
22 there or I'm LAHSA or I'm -- I could have somebody I
23 could have somebody who's got coughing. Now we know.
24 And what I'm forcing you to do is I'm forcing you to
25 disperse the streets because you've done it anyway. I'm

1 just forcing you to do that. Yeah. And so, once -- if
2 this works, what do is get a better idea of the
3 population. We're going to get a serious much better
4 housing. So we're going to have to make some tough
5 decisions.

6 Heidi, I can't thank you enough because I
7 wouldn't have known. I'll probably issue this order
8 leaving it undefined until Friday. So I will get this
9 order out. But what I'll do is I'll the date that's all
10 I'm asking. Okay.

11 MS. MARTINEZ: So just very quickly, just
12 a second --

13 JUDGE CARTER: It's also --

14 MS. MARTINEZ: Just what I heard, Heidi,
15 is that you guys need until Friday to figure out what
16 the scope is, what number of people are actually out
17 there in the overpasses and underpasses, what services
18 possibly they're going to need.

19 And I'm assuming you're going to look at
20 this from a subpopulation based on services. Is it
21 families? Is it those that are chronically ill, those
22 folks that have other issues? Am I correct or not or
23 are you guys just going to go out there and just do an
24 estimate?

25 MS. MARSTON: So --

1 MS. MARTINEZ: So I just want some --

2 JUDGE CARTER: Well --

3 MS. MARTINEZ: I just want some clarity.

4 That's important for me.

5 JUDGE CARTER: It was just a rough number
6 on what --

7 MS. MARTINEZ: So what --

8 JUDGE CARTER: It's been a long road
9 actually.

10 MS. MARSTON: Of course.

11 MS. MARTINEZ: So what does that mean
12 when you talk about scope and who they are and services
13 needed, you know, if you can break that down for me.

14 MS. MARSTON: Yeah. So step one is are
15 we talking hundreds of people, thousands of people,
16 right? So that's the first piece. The second is how do
17 we address that in the context of a public health
18 emergency where we're prioritizing people.

19 These people potentially -- to your
20 point. But we're also working with folks who could die
21 if they get COVID. So balancing the needs of both of
22 those so that we can make sure we're being responsive
23 under this --

24 JUDGE CARTER: Okay. Fair enough.

25 MS. MARSTON: Yeah.

1 JUDGE CARTER: Yeah. So the first step
2 is numbers required.

3 MS. MARSTON: Right.

4 JUDGE CARTER: And then a further
5 discussion about how we can expend our resources
6 reasonably --

7 MS. MARSTON: Yeah.

8 JUDGE CARTER: -- to find out who these
9 folks are individually as people.

10 MS. MARSTON: Yeah, and how we can move
11 this quickly. Yeah.

12 JUDGE CARTER: Right. Yeah.

13 MS. MARTINEZ: Okay.

14 JUDGE CARTER: Okay.

15 MS. MYERS: And Your Honor, I just want
16 to add to that --

17 JUDGE CARTER: Hang on, Shayla. I'm
18 coming over.

19 MS. MYERS: I just want to that that, I
20 mean, my understanding -- and obviously I'm not involved
21 in the Orange County litigation. But to the extent that
22 there was some of these sort of location-based movement
23 of folks, one, it didn't happen in the course of COVID-
24 19.

25 JUDGE CARTER: Right.

1 MS. MYERS: And I think that is
2 incredibly important when we're talking about relocating
3 folks.

4 JUDGE CARTER: I agree.

5 MS. MYERS: And I think you acknowledged
6 that.

7 JUDGE CARTER: Absolutely.

8 MS. MYERS: You know, folks -- we've
9 actually spent a -- we have deep connections with some
10 of the folks at different underpasses in different
11 communities because there are so many underpasses and
12 overpasses in Los Angeles and the communities are very,
13 very different.

14 But some folks are there because those
15 are the best places to, in different times, not socially
16 distance, but to have space for ADA compliance, those
17 kinds of things. There aren't a lot of places in Los
18 Angeles where people can both survive on a sidewalk and
19 be ADA-compliant. But some of the freeways and
20 underpasses are those locations.

21 That's not to suggest that it is safer
22 for them because I hear you. And I know our side
23 certainly raised these concerns about the respiratory
24 issues related to overpasses and underpasses.

25 But what we want to make sure that we're

1 not doing is that we're not putting people in a rock and
2 a hard place where they made the -- and we've talked
3 about this, Robin. Folks who are at underpasses and
4 overpasses are making the decision to go there for very
5 specific reasons. We want to give them something
6 better, absolutely. But not to break confidences, but
7 that is the conversation that we went back and forth
8 about with the county is that unfortunately people move
9 in and out of homelessness, right?

10 And so, overpasses and underpasses are
11 not -- are not static populations, right? Who's there
12 today may not be who was there yesterday and may not be
13 who is there tomorrow. But people are going to keep
14 going back to the underpasses and overpasses if they're
15 still being displaced in other places.

16 And so, what we feel very strongly about
17 is that an order from the Court related to protecting
18 public health doesn't, one, jeopardize folks' well-being
19 related to COVID-19 but also places them in a position
20 where they're relocating into neighborhoods and then
21 getting forced from those locations to other places,
22 right? Does that make sense? Because --

23 JUDGE CARTER: Yes.

24 MS. MYERS: Because we -- because people
25 go to underpasses and overpasses in this city for very

1 specific reasons. They're sanctuaries. And that is a
2 horrible choice that people have. But they're -- but
3 people are resilient and smart and making decisions that
4 are the best they have. I'm concerned about the
5 policing implications --

6 JUDGE CARTER: I understand.

7 MS. MYERS: -- and the lack of humanity
8 after, right? After this group of folks are moved, but
9 then there is still this space that's available and
10 people are going to move back into that location. What
11 it's going to take to keep those areas closed has to be
12 part of the conversation. That's hundreds of miles.
13 And it's hundreds of miles of policing --

14 JUDGE CARTER: Yes. It is.

15 MS. MYERS: -- in communities of color.

16 JUDGE CARTER: Good. I'm glad all of you
17 are hearing this. All stepping up. You know, baby
18 stepping it up. It's going to be hundreds of miles of
19 policing. But it's going to be hundreds of miles of
20 mental health and it's going to be hundreds of miles of
21 medical. And it's going to take a combined effort.
22 Absolutely.

23 MS. MYERS: But we're not adding enough
24 spaces.

25 JUDGE CARTER: Well, we are going to.

1 MS. MYERS: We're not doing that today.
2 And the harm will be to unhoused folks.

3 JUDGE CARTER: We're going to work
4 together. You're right by my side and you're watching.

5 MS. MYERS: Okay.

6 JUDGE CARTER: We're starting. We're
7 reconvening and we're also right now --

8 MR. YOUNG: Your Honor, we -- we, the
9 county, we share those concerns that Shayla has
10 articulated. So one, I think that's positive that we
11 share those concerns. But --

12 JUDGE CARTER: Now, I know you share the
13 concerns. Tell me the solutions.

14 MR. YOUNG: So --

15 JUDGE CARTER: Tell me what we do
16 instead.

17 MR. YOUNG: Yeah.

18 JUDGE CARTER: You're a federal judge and
19 you hear from everybody --

20 MR. YOUNG: Right.

21 JUDGE CARTER: -- that people are sleeping
22 under the freeway with noxious fumes and you're supposed
23 to sit there and listen to this. I don't think so.

24 MR. YOUNG: No disagreement with that
25 either. I think part of the solution is taking a hard

1 and sober look at what is our outreach and how are we
2 affecting these populations. The point I was going to
3 make, Your Honor, is -- and I'm not exactly sure kind of
4 which order you were articulating in terms of what
5 you're going to order, what you're going to release.

6 JUDGE CARTER: Clarification means that
7 you don't want to do it.

8 MR. YOUNG: But it's --

9 JUDGE CARTER: So I'm done clarifying
10 now.

11 MR. YOUNG: Yeah. So we want it. We
12 want to be part of the solution.

13 JUDGE CARTER: You will be.

14 MR. YOUNG: And the -- we will be.
15 You're right, Your Honor. We want to make sure that
16 what we're talking about is something that is
17 collaborative and that asks for statuses, just like kind
18 of what Heidi --

19 JUDGE CARTER: I know. You become
20 collaborative because you feel we're moving too fast,
21 we're making a mistake very quickly. And now, I'm
22 setting things. I will deal within reason concerning
23 time period, humanity. But you don't control the time
24 period.

25 MR. YOUNG: That's fine, Your Honor. The

1 concern that we have is from a harm perspective and
2 whether or not the balance of harms would exceed kind of
3 the benefits.

4 JUDGE CARTER: Take it to the circuit.

5 MR. YOUNG: So --

6 JUDGE CARTER: take it to the circuit.

7 Write your brief and take it up there.

8 MR. YOUNG: Right.

9 JUDGE CARTER: And take the position that
10 you're all for living under freeways with noxious fumes.
11 I'm going to enjoy that, I think.

12 MR. YOUNG: Sorry? I didn't hear that.

13 JUDGE CARTER: I'm hearing excuses.

14 That's what I got out of the conversation.

15 MR. YOUNG: I can't hear.

16 MS. BLACK: He said he's hearing excuses.

17 JUDGE CARTER: I can't be more blunt
18 about it.

19 MS. BLACK: He's hearing excuses.

20 MR. YOUNG: Oh, okay.

21 JUDGE CARTER: I'm hearing the woulda,
22 coulda, shoulda and I can't do it again.

23 MR. YOUNG: No. That's not -- that's not
24 the position of the county. The position of the county
25 is we're in a public health emergency and we need to

1 walk and chew gum at the same time.

2 MS. MARTINEZ: And so --

3 JUDGE CARTER: I am open to reason.

4 MR. YOUNG: Yeah.

5 MS. MARTINEZ: So Judge Carter --

6 MR. YOUNG: And that's why I'm making the
7 point with respect to time.

8 JUDGE CARTER: And I am not helping you.

9 MS. MARTINEZ: I think what is very
10 clear, all the -- what we want -- what you guys are
11 telling us is that you want to make sure that the
12 housing is secure, safe, right, for these folks. You
13 don't want any kind of harm.

14 And I get what you're talking about,
15 Shayla, in regards to the potential of displacing those
16 that already in these overpasses and underpasses that
17 have gone there for reasons, whether we like it or not,
18 is safe for them, in their mind.

19 JUDGE CARTER: Yeah.

20 MS. MARTINEZ: I think what the Court is
21 trying to say is that they don't -- we don't want to
22 relocate folks without not having a solution. And I
23 think that's where you're coming from. And I don't --

24 JUDGE CARTER: My impression is you're
25 not coming up with a solution. You're giving me a

1 problem again. I'm giving you a suggestion to cooperate
2 with DHS. I'm giving you the option of getting mental
3 health together.

4 MR. YOUNG: Yeah.

5 JUDGE CARTER: But all I'm hearing is
6 stalling by the county.

7 MR. YOUNG: Well, that's why I mentioned
8 outreach, Your Honor.

9 MS. MARTINEZ: Yeah.

10 JUDGE CARTER: And you can put this
11 together. So I think I'm almost done with this
12 conversation.

13 MR. YOUNG: I agree with you. I agree
14 with you. It's outreach. It is mental health. It is
15 health services.

16 JUDGE CARTER: Then do it.

17 MR. YOUNG: Exactly.

18 JUDGE CARTER: Do it.

19 MR. YOUNG: We are going to do it.

20 JUDGE CARTER: Okay. I'll work with you
21 in terms of time. I will not work with you in terms of
22 more clarification. It'll be out in written form
23 tomorrow. And I won't hear that this is too big for the
24 county. That clear? We've had 20 years. Okay. What
25 else? Okay. This will be out in written form tomorrow.

1 The next scheduling conference will be on Friday. So I
2 pay deference to you, Heidi, in terms of the numbers. I
3 will work.

4 So all of you can take this back to the
5 mayor, Nury, the board. You can take this back to
6 Kathryn, et cetera. You'll see it in written form. And
7 then I'll work with you in terms of dates. So in other
8 words, of course we have the COVID crisis. That's a
9 wasted conversation. I have no intention of moving
10 people who are self-distancing if we're saving lives
11 right now.

12 But if any of you would like a better
13 record, I invite you to invite me to get Dr. Sherin in
14 here. He's just going to repeat exactly what he said
15 before and that is he's in favor of congregate. He
16 wants mental health people out there. He likes the
17 security. He likes the lighting. Would you like him to
18 testify? How about Barbara Ferrer?

19 MS. MYERS: Your Honor, I think we would
20 welcome testimony from Dr. Ferrer taking the position
21 that congregate --

22 JUDGE CARTER: Well, if so, then I'll
23 have Dr. Sherin testify and LAHSA. He's part of the
24 team. But that will not stop this order going out. It
25 will only shape, if you will, you know, how we respond

1 forward because I'm depending upon -- heavily upon them.

2 MR. YOUNG: And that was my --

3 MS. MARTINEZ: Yeah. Correct. I
4 understand.

5 MR. YOUNG: Yeah. Your Honor, and that
6 was my --

7 JUDGE CARTER: I hear the COVID problem,
8 Shayla. Don't intend to move somebody in that period of
9 time. But I'm heavily having trouble why if the
10 impression is -- they're not being forced to go
11 anyplace. They're just being forced not to live in an
12 unsafe condition.

13 So that's why I'm having problems with
14 any of your arguments today. So they don't want to go
15 into a shelter? My job is to create with all of you a
16 better situation where they actually want to go or some
17 percentage wants to go because even if you force people
18 in, you can't keep them there if it's not adequate or if
19 they're not getting a benefit.

20 So if they can't was their hair or they
21 can't take a shower or they can't use the toilet that
22 you've been complaining about that's nonexistent, it's
23 silly to create this because they're going to move. So
24 our duty is to create something better. It just won't
25 meet you standards if we're going to start this process,

1 okay? So I'm sorry for being so harsh. But once again
2 I'm hearing something I'm just not going to tolerate.

3 MR. YOUNG: We're saying the same thing.
4 I think we --

5 JUDGE CARTER: We're going to do it. We
6 are going to do it.

7 MR. YOUNG: I think the input with
8 respect to Dr. Sherin, Dr. Ferrer are our
9 considerations. I think that's why I say we need to be
10 kind of mindful of what the balance of harms are with
11 respect to the public health emergency. So that's all
12 I'm saying.

13 JUDGE CARTER: I've already made my
14 determination. I've already made my determination of
15 balance of harms. That's my ruling. I'm only being
16 polite in telling you how I balanced those harms.
17 That's what you're going to see tomorrow in written
18 form.

19 Now, if Dr. Sherin and Barbara can help
20 us in that regard, I'd welcome it. But I'll have you
21 set that up and give me a date and time. You'll call
22 them, make that convenient. But then I want the mayor
23 here. I want Nury here. I want Joe here. I want
24 Michael here. I want all the major players in the room
25 if they testify. Understood? No. That's it. That's

1 my bottom line. Dr. Sherin will be in here testifying
2 again.

3 But he's not testifying just to
4 attorneys. He's testifying to our principals along with
5 Barbara Ferrer in this nice hotel. And they can listen
6 because now I want my principals here. So that's my
7 demand, that I have the decision-makers, not the
8 attorneys, okay? Kathryn. Everybody's here.

9 MS. CHAVEZ: Is that Friday, Your Honor?

10 JUDGE CARTER: No, no. Not Friday.
11 Friday's only the number. I want Heidi to have the time
12 to work with those numbers so we have some idea of the
13 ballpark. I don't think it's fair for you to have folks
14 out in the street with a demand by me to do, you know,
15 all the mental health evaluations on how many people by
16 Friday. I don't know if I'm dealing with 500 or 5,000.

17 And I don't know how many are going to
18 move and neither do you. I'd like people to be treated
19 individually and humanely. And I have the DHS teams to
20 do it. You're everywhere. I'm not sure I've got the
21 medical people to do that so far. They haven't been
22 present, in my opinion. But so I'm trying to work with
23 you. Okay. Back to you, Michele. I've said enough.

24 MS. MARTINEZ: Yeah. Thank you, Judge
25 Carter. And I would just conclude with the following,

1 that the overreaching goal is still in play. So just
2 because the judge is talking about a potential
3 injunction on overpasses and underpasses does not mean
4 that you all cannot continue to work on a settlement
5 agreement.

6 And so, it's two different things that
7 we're discussing here. Obviously there will be some
8 benefit as we move forward if this moves forward with
9 this population in finding suitable housing
10 accommodations for them to meet whatever number
11 hypothetically, you know, of your total unsheltered
12 population.

13 So I just want you all to keep that I
14 mind, that we're still moving forward concurrently with
15 an overreaching agreement with the city, county,
16 plaintiffs. And this has nothing to do with that
17 structure.

18 JUDGE CARTER: Yeah. And once again,
19 with the Court's appreciation for allowing me to talk to
20 so many people and certainly like yesterday on Skid Row,
21 this is not a one person survey walking down Skid Row.
22 For goodness sakes, Shayla, you live down there. You
23 know the people a lot better talking to them than I do.
24 I don't mean live. But you work down there.

25 But if we could work together on this, if

1 we make a mistake, we can back up. But I do believe
2 that we've got the resources to be somewhat people-
3 oriented. I do believe that we have the resources to
4 step up in terms of needs. We don't even know what
5 those needs are. I don't even know the number of people
6 living under the freeway system right now.

7 And what I'm concerned about is this.
8 Caltrans isn't here again. I keep repeating that to
9 you. And I don't care about the good relationship
10 between the city and the county and Caltrans. What I
11 get frustrated with is the fact that there's so much
12 finger-pointing going on over who has maintenance,
13 enforcement, cleaning, what is a city compared to a
14 Caltrans.

15 You ought to hear Mayor Rodriguez talk
16 about that overpass that were down there. I wish you
17 could be present just about the confusion. I wish you
18 could talk to Joe about the confusion with Caltrans.
19 You sort that out for me. You made this. So the
20 Court's not going to go through each piece of property
21 and then run into a problem like Maple.

22 You're going to do that. You're going to
23 tell me what's available. You're going to tell me how
24 many parking lots. And I'll work with you in terms of,
25 you know, timing and security, okay? But what I won't

1 do is stand for the inertia now. So this order will be
2 out tomorrow. That will be for all of your constituents
3 to read. Okay. You want to turn to this? Can I turn
4 to this?

5 MS. MARTINEZ: Yeah. Just if you're
6 going to --

7 JUDGE CARTER: Okay. I'm going to review
8 those. I'm going to review the properties in
9 conjunction with Caltrans. The Court has been informed
10 that the city and county of Los Angeles have agreed to
11 work with Caltrans on the following timeline.

12 First, the city and county shall respond
13 to Caltrans on or before May 14, 2020. There was a
14 correction with that, I think, Marcus --

15 MR. MARCUS: Yes.

16 JUDGE CARTER: -- from you or from the
17 county.

18 MR. MARCUS: No. It was from the city.
19 The city in the submission that I filed last night --

20 JUDGE CARTER: Yeah.

21 MR. MARCUS: -- I made it clear what the
22 city is providing to Caltrans by tomorrow are what are
23 called use assumptions. Basically Caltrans, assume
24 we're going to use these properties for these certain
25 uses. Caltrans then looks at those use assumptions and

1 tells us --

2 JUDGE CARTER: Will you --

3 MR. MARCUS: -- what the environmental
4 concerns are based on those uses at that property.

5 JUDGE CARTER: Will you help me rewrite
6 this more accurately then? This is what I got from my
7 notes in the conversation. So today I'm going to
8 rewrite this --

9 MR. MARCUS: Okay.

10 JUDGE CARTER: -- if you'd stay for one
11 moment.

12 MS. MARTINEZ: It's in his -- it's in his
13 --

14 MR. MARCUS: Yeah. It's part of my
15 submission that I filed last night.

16 MS. MARTINEZ: Yes.

17 JUDGE CARTER: Well, we'll review it.
18 Second, Caltrans shall then respond to the city and
19 county on or before May 28th. Is that correct?

20 MR. MARCUS: Yes. They'll get back to us
21 in two weeks.

22 JUDGE CARTER: Regarding its
23 environmental or other concerns with tentative plans for
24 the chosen property. Finally the city and county shall
25 draw up plans for each of the individual sites on or

1 before June 11, 2020. And I want to help you with those
2 dates because without Caltrans here, how would I be
3 knowledgeable enough not to say that this was done
4 within, you know, x period of time. That's what I'm
5 looking for in terms of cooperation.

6 So during the process, the city and
7 county and Caltrans shall begin working together to form
8 leases on the subject properties immediately upon
9 receiving notice of Caltrans' environmental and other
10 concerns.

11 So let me stop for a moment. This Los
12 Angeles piece of property, I was told it could be up and
13 running in, what, 30 days. How are we doing with it? I
14 mean, the Los Angeles piece of property. I was told
15 that Maple and 16th was going to get repaved, et cetera.
16 How are we doing with this? Or is this a meaningless
17 discussion that we've had? So are we on track to do
18 this?

19 Help me, because otherwise it's just a
20 bunch of words and I'm not here for wordsmithing today.
21 And by the way, I want all four pieces of property. I
22 don't want one piece of property where your owner feels
23 like he or she's being singled out. I want to sweep the
24 board with everything you've gave me so far. And that's
25 four pieces of property. You said that these were

1 available. Make them available.

2 MS. MARTINEZ: So are you asking for the
3 status of those four properties?

4 JUDGE CARTER: No. I've got them in that
5 first report. I can go back and report. But Marcus
6 submitted to me four pieces of property. One was over
7 in Gil's district, which I was really worried about
8 without Gil being contacted.

9 MS. MARTINEZ: Correct. But out of those
10 four --

11 JUDGE CARTER: One's down in Marqueece.
12 Yeah. I'm sorry.

13 MS. MARTINEZ: Yeah. But out of those
14 four properties, we focused on two which was the one on
15 Eighth Street.

16 MR. MARCUS: Yeah.

17 JUDGE CARTER: That's Gil's.

18 MS. MARTINEZ: On Los Angeles Street,
19 excuse me.

20 JUDGE CARTER: And I need the courtesy
21 out to --

22 MR. MARCUS: There is the -- so there's
23 the --

24 JUDGE CARTER: I need the courtesy out to
25 Gil.

1 MR. MARCUS: So there was originally the
2 16th and Maple property --

3 MS. MARTINEZ: Yes.

4 MR. MARCUS: -- which the city is still
5 working to set up the safe parking at that site as well
6 because we can do that.

7 MS. MARTINEZ: Yeah. And you all needed
8 three weeks for that, right? And yeah --

9 JUDGE CARTER: Thirty days.

10 MS. MARTINEZ: You're at week two.

11 MR. MARCUS: No. The 30 days was for --
12 at Los Angeles, not at 16th and Maple. So originally it
13 was 16th and Maple. It was originally going to be
14 pallet shelters.

15 MS. MARTINEZ: Yeah.

16 MR. MARCUS: The environmental concerns
17 came up. The environmental concerns allowed for RV safe
18 parking. So the city is still proceeding.

19 JUDGE CARTER: I'm sorry. Allows RV?

20 MR. MARCUS: The environmental concerns
21 still allow for RV safe parking at 16th and Maple. So
22 the city is still proceeding with 16th and Maple for RV
23 safe parking. We reached an agreement amongst the
24 parties to do safe parking at the Los Angeles Street
25 location.

1 JUDGE CARTER: Okay.

2 MR. MARCUS: It was brought to your
3 attention last week that the plaintiffs have withdrawn
4 their agreement to that location and now object to that
5 again.

6 JUDGE CARTER: Fine.

7 MR. MARCUS: So I circulated some
8 additional other sites to see if we could also get
9 agreement on other sites as well. So I just sent that
10 literally as I was walking down here today.

11 So hopefully we can reach an agreement
12 amongst the plaintiffs, the city and the interveners as
13 to another site so we can all do this by agreement
14 because the last time we were here, the Court wanted an
15 agreement. We reached an agreement. That agreement is
16 no longer valid.

17 We asked the Court, well, what do you
18 want us to do. You said you were leaving it up to the
19 parties. So I'm trying to find a different agreement to
20 a different site. We're not saying no to Los Angeles.
21 We're saying if there's now an objection by one of the
22 parties to Los Angeles, let's see if we can find
23 something that everyone agrees to which is what the
24 Court asked us to do was to reach an agreement.

25 JUDGE CARTER: And when is that taking

1 place? In other words, that was clear last week. This
2 is this week. When is this taking place?

3 MR. MARCUS: I just sent today the new
4 locations for them to assess. I just sent that today.

5 JUDGE CARTER: And here's what I don't
6 understand. I don't know that I care about any specific
7 piece of property. But Los Angeles is just one of many
8 pieces of property. That is a baby step.

9 I mean, I don't know if I need four or
10 five. But I'm going to want multiple pieces of
11 property. And we would have avoided this whole process
12 and discussion if we had five pieces of property in this
13 area because then your client wouldn't feel singled out.
14 And as far as suing, they can sue the city. That's
15 nice.

16 MS. MITCHELL: Not my client. Not my
17 client.

18 JUDGE CARTER: So here's my bottom line.
19 The Court is not going to send a message of NIMBY-ism
20 because somebody decides to threaten to sue the city
21 because that message is as follows. If I threaten to
22 sue you and I'm rich and powerful, somehow we're
23 supposed to back away because of the threat of the
24 lawsuit.

25 And the second thing is it's an excuse

1 for the wealthier to dump the problem quite frankly on
2 the less fortunate because if you've got money to sue,
3 the message is I'm strong and powerful and we the city
4 or the county are going to buckle. No. You're not. In
5 fact, you're going to give me more property.

6 So I don't understand why I don't have
7 all four pieces of property, why I'm dealing with one
8 piece of property. You put four on the table for the
9 city. My recommendation is I have all four. I've got
10 Los Angeles. I've got Gil's or only after a courtesy
11 of, you know, talking with them each. I want to talk to
12 them, okay? And the other ones down in Marqueece and
13 Curtis' district, he deserves a call because it was way
14 down the way and I haven't seen it yet.

15 I want all four of those. Now can I
16 order that? No. But I'm not about to send a message
17 from this Court of NIMBY-ism or somebody threatening to
18 sue. Go ahead and sue. And I think if you get 20 or 30
19 pieces of property out there, nobody's going to sue,
20 quite frankly, because they won't feel alone. But right
21 now, one homeowner or one property person feels like
22 they're being singled out. And that's nonsense. We
23 need to step this up, not step this down.

24 So work it out. But I would prefer all
25 four. I can't order you to do that because there's no

1 health and safety problem here, right? But if I could,
2 I would. I'd order you to put every piece of property
3 you've got available on the table. So I'll leave that
4 with you having those discussions about what you put up.

5 Okay. Here's the next. The full extent
6 of the available properties. So we know we went from
7 hundreds down to 19 and we know that the city has an
8 exhibit which is confidential.

9 Marcus, can you share that confidential
10 exhibit? Not the content of what you wrote me, but can
11 you share those city properties with the advocate so
12 that you can see what's on the table because I've come
13 down from the statement by the advocates where you
14 believe you have thousands of pieces of property, and
15 you may have.

16 Marcus has submitted to me a limited
17 number of properties. And I'd like you, if you think
18 you have more properties available, but the city isn't
19 the only important resource. If you've got something on
20 the 710 freeway that Carol is talking about and it's not
21 on this list and it's city property, I'd like to know
22 about it. So can you share?

23 MR. MARCUS: To be clear, Your Honor, the
24 exhibit A was part of the public filing that was sent to
25 all of the parties.

1 JUDGE CARTER: Oh, it was?

2 MR. MARCUS: Yes.

3 JUDGE CARTER: Thank you. I'm so used to
4 stove piping. So I keep confidences really well
5 actually. So that's a public record, right? Then I
6 don't have to -- Marcus, thank you. Very humbly, thank
7 you for that.

8 MR. MARCUS: Yeah.

9 JUDGE CARTER: Okay. Okay. I'm not
10 going to discuss the recreational centers today. That
11 was in good faith, a confidential, something that came
12 to the Court. That stays off the table for today's
13 date. The mayor needs to work with that. You need to
14 have the time. I'm done.

15 MS. MARTINEZ: Not everything was turned
16 in, in regards to what the structure would look like for
17 a settlement negotiation. What you guys provided was
18 simply on the available properties, public properties
19 and which I shared with some of you that we were okay
20 because we wanted to have this conversation.

21 But we eventually want to come to some
22 kind of an agreement. As we did today, I think we did
23 identify types of housing accommodations that folks can
24 agree upon. Now it's going to be moving towards the
25 units, the beds per type. And I know -- not to

1 disclose, some of you have presented that, but not
2 everyone. And so, as well as the service level per
3 option, the funding per option, the distribution per
4 option, types by district.

5 And I think by right now, I think we are
6 going by district. So unless that changes, correct,
7 Judge Carter?

8 JUDGE CARTER: No. That's correct. And
9 I think that expresses the universal agreement, quite
10 frankly, of the council, without disclosing individual
11 conversations. But every councilperson indicated to me
12 privately that.

13 MS. MARTINEZ: And then finally what
14 would those timelines look like for the city and the
15 supervisor district and when would we be able to get
16 this moving. So what are those benchmarks and some
17 timelines that are short-term, midterm and long-term to
18 house people.

19 I certainly understand that you're not
20 going to be able to get, you know, 25,000 to 30,000
21 people off the street in one week, two weeks, three
22 weeks, four weeks or all in hotels and motels. And so,
23 I think we understand that. And so, we would like to
24 get from you all what that would look like, what that
25 timeline would look like based on those housing

1 accommodations across the board.

2 JUDGE CARTER: Yeah. So let's do this.
3 Let's reassemble. I expect an answer either at 5
4 o'clock or midnight tomorrow. But I don't care. But I
5 want a final answer if this is going to proceed to
6 settlement or not with the county. And if you need
7 Kathryn or whoever, please, okay?

8 MS. MARTINEZ: How long do you want to
9 give them to put this together?

10 JUDGE CARTER: Oh ,what I'm going to do
11 is I'm going to --

12 MS. MARTINEZ: So yeah, because the
13 county settlement is totally different, I think.

14 JUDGE CARTER: It's totally separate.

15 MS. MARTINEZ: It's confusing.

16 JUDGE CARTER: I skipped.

17 MS. MARTINEZ: You skipped. Yes.

18 JUDGE CARTER: I skipped. Okay. Let me
19 do this. I'm going to put this out in its present form
20 where I'm actually requesting your participation. I'm
21 not going to issue this as a final sua sponte
22 injunctive. But it's done. In other words, this is
23 what's eventually going to go out. I want to hold that
24 though in a sense so that you have a chance to
25 participate in terms of timing, problems, whether we can

1 get DHS out there, what those teams would look like,
2 parking lots to accommodations, how long that would take
3 to ramp up. And we can work together on that, but not
4 much longer.

5 So I'll put this out the way I read it to
6 you as a courtesy today. Fair enough? Okay. But this
7 is exactly what's going to eventually happen if I issue
8 injunctive relief, which I already have in a sense.
9 This is how it's going to read. Okay. So all I'm doing
10 is working with you on dates and times now, not a change
11 in my position.

12 Okay. Number two, I would really request
13 that somebody start contacting the governor of the state
14 of California about the freeway system because you're
15 going to be in a mess -- and I mean this -- with the
16 entanglement between who's got the 10 off-ramp versus
17 the transfer of the property from Caltrans to the city
18 who then points back to Caltrans who then points to the
19 city and says it belongs to you, let alone the county.

20 And listening to Monica and other council
21 people, it's a nightmare to figure out the jurisdiction
22 between maintenance, enforcement, et cetera, with all
23 the council people giving me their best input about this
24 2005 agreement that is an entanglement of confusion.
25 And I think it's going to be used against any progress

1 because one side can always say it's them.

2 So I don't know how you get the state
3 involved. I'm not suggesting a lawsuit if you've got a
4 good working relationship. But if you need to, the
5 state needs to be at this table if the governor is
6 serious about this and needs to be a part of this
7 process because it's going to put tremendous pressure on
8 the city and the county.

9 But this is going to issue. In fact, it
10 has issued. If I'm the state, all of a sudden I'm
11 thinking, well, what do I do now. Well, maybe they
12 ought to get to the table and participate. And by the
13 way, they should have some money for you. Let me just
14 be blunt about that.

15 If this is part of their problem
16 underneath the 10 freeway, I don't understand the
17 relations with the state. I mean, if we're going to
18 clean this up in a sense and get people out from under
19 there and treat them more humanely, okay? Okay. Now
20 finally, how do we sort out the problem between who's
21 going to pay for what.

22 And this is the second biggest
23 entanglement and I want you to cover that for a moment
24 because I am so frustrated listening to the county and
25 the city in private conversations, not with the council

1 because you're the odd ducks out. I'm meeting with a
2 lot of different people, quite frankly, about who's
3 paying for what.

4 It's why LAHSA was created and we're
5 still fighting that battle. Do I take this piece of
6 property by piece of property? Is that what I'm going
7 to do? I don't think so. So Kathryn pledges. Eric
8 pledges. I believe that they're genuine. It's not
9 getting down to the working level right now, not who's
10 paying for what.

11 So who do we get in this room? Because
12 attorneys aren't suited to do this. You're not the
13 right people at my table right now. Who do I get here
14 to make this implement -- you know, to really implement
15 this?

16 MS. MARTINEZ: So I guess on the county
17 side, we talk about services, one, what does that mean?
18 Two, how would you -- you know, your capacity issues to
19 distribute that, whether it's to the city of Los Angeles
20 since they're here. But ultimately you also have a
21 responsibility for the other 87 cities which I'm fully
22 aware of that.

23 JUDGE CARTER: Yeah.

24 MR. YOUNG: Yeah.

25 MS. MARTINEZ: And so, I think as we move

1 down the line, you're not only going to be able giving
2 services as you currently are now to the city of Los
3 Angeles. You are also doing that for the 87 cities.
4 And so, how do you match what you're providing, what
5 LAHSA's providing and what the city is providing.

6 Specifically let's just talk about the
7 city since they are here. Moving forward, what would
8 that look like to housing the unsheltered population and
9 what those services look like so that the city can have
10 an understanding what the county is more likely to
11 provide.

12 MR. YOUNG: Yeah. So to give you a
13 straight answer first --

14 MS. MARTINEZ: Yeah.

15 MR. YOUNG: We have existing MOU
16 agreements that have not been exhausted.

17 MS. MARTINEZ: Okay.

18 MR. YOUNG: And so, the intent would be
19 to try to maximize on those. The county and the city
20 have agreed basically an agreement where the county
21 would provide over a 10-year period of time services for
22 permanent supportive housing for 10,000 units. And so,
23 it would be our expectation that we honor kind of that
24 agreement. Now, I don't know what the ultimate city
25 kind of housing profile is going to be. But that is the

1 commitment from the county. Beyond that --

2 MS. MARTINEZ: There's no interim --
3 service solutions for interim housing?

4 MR. YOUNG: So traditionally the answer
5 to that has been no.

6 MS. MARTINEZ: No. Okay.

7 MR. YOUNG: And that's -- we'll have to
8 work through those issues. That's obviously an issue.
9 But the answer to that is no. That's not to say there
10 aren't other resources to be brought to bear in the
11 contexts of interim housing.

12 So for example when LAHSA, you know,
13 administers an interim housing site, you know, a portion
14 of that funding comes from the county. The guidelines
15 by which services are established are kind of a
16 consensus document that reflects the services that are
17 provided.

18 But the county also has, you know, DPSS
19 eligibility workers. It has DMH workers. So I think
20 when we're talking about services, it's not necessarily
21 the operational services for something interim housing.

22 MS. MARTINEZ: Correct.

23 MR. YOUNG: I think the question is what
24 are the mental health and health services that can be
25 brought to bear such that, you know, it's done in an

1 equitable way to not upset the balance of the remainder
2 of the cities. So I think we need to look at what kind
3 of those resource needs are. But that would be kind of
4 the broad --

5 MS. MARTINEZ: So to meet your needs --
6 and just hypothetically, to meet your number, whatever
7 that's going to be -- I don't want Carol to yell at me
8 about using 60 percent. But just hypothetically, 60
9 percent already of your unsheltered homeless population
10 is in the city of Los Angeles.

11 So understanding that, how would you be
12 able to meet your numbers and provide services, knowing
13 that 60 percent of your unsheltered population is in the
14 city of Los Angeles?

15 MR. YOUNG: So the distribution -- I
16 mean, we view it based on stock because that's the
17 equitable way to do it. So if there is a city council
18 district that overlaps a SPA and there's -- and the
19 needs are kind of divvied by those SPAs, the resources
20 would be allocated in accordance with that kind of
21 paradigm.

22 Now what that looks like in a given
23 situation for a given piece of property and a given city
24 council district depends on what the needs are of that
25 city council district and the surrounding city council

1 districts and the cities that are nearby that. So it's
2 not a straight line answer. I wish I could give you
3 one. But I can't.

4 MS. MARTINEZ: Understood. So walk me
5 through what you currently provide. And I get you have
6 the MOU and you want to maximize that and that 10-year-
7 period is for permanent supportive housing.

8 But currently now -- and maybe I'm not
9 understanding correctly. The county is not providing
10 any services for interim housing solutions right now for
11 the city of Los Angeles or the other 87 cities or is it
12 LAHSA that's providing that?

13 MR. YOUNG: Yeah. It's --

14 MS. MARTINEZ: I understand -- so just
15 let me get clear because I understand that there's a
16 makeup of 70 percent of the funding from LAHSA comes
17 from the county of Los Angeles. So I have this, and
18 just to show you guys this presentation that was given
19 to us. And I've read it time and time again. So I
20 understand where the funding is coming from. I
21 understand that.

22 So for everyone here in the room, because
23 I think when we're talking about funding, talking about
24 the unsheltered population and specifically talking
25 about the city of Los Angeles, I think we need to be

1 very clear who's providing the services. And I know
2 there's some overlap between the county and its funding
3 to LAHSA.

4 But I think what we want to hear, who's
5 responsible and what are those services. What does that
6 look like, not just from a permanent supportive housing
7 perspective but from an interim because what the Court
8 is asking the city of Los Angeles and the county is for
9 you all to have a plan to house those unsheltered folks.

10 And so, if you're telling me that
11 currently the MOU that currently stands is only for a
12 10-year-period for permanent supportive housing, are you
13 telling me that the resources that you're already giving
14 to LAHSA is to provide to the city?

15 MR. YOUNG: Right. So your question was
16 kind of what is the county doing directly already.

17 MS. MARTINEZ: Yes.

18 MR. YOUNG: LAHSA kind of speak to kind
19 of what that looks like from the county to LAHSA.

20 MS. MARTINEZ: Okay. So when LAHSA
21 speaks, they're speaking for the county per se when it's
22 providing services is what you're saying to me?

23 MS. MARSTON: The county -- yeah. We're
24 like a pass-through in that sense.

25 MS. MARTINEZ: So you're a pass-through.

1 Okay. Got it.

2 MS. MARSTON: So we get -- the county
3 gives us the money and then we administer the services
4 through our providers. That includes like the bridge
5 home sites, for example, in the city. So it includes
6 the city of LA.

7 MS. MARTINEZ: So no, I want to -- go
8 ahead, Christina.

9 MS. MILLER: Yeah. And I'd just say I
10 think that is an important distinction --

11 MS. MARTINEZ: Yeah. Correct.

12 MS. MILLER: -- Brandon was saying that
13 the county provides services but doesn't provide the
14 operations. They do, and the shelters that the city is
15 building and spending a lot of money on capital.

16 We do rely on partnership with the county
17 to provide both services and operation dollars as well
18 to make that partnership work.

19 MR. MARCUS: Right. Not limited to the
20 MOU.

21 MS. MILLER: Not limited.

22 MR. YOUNG: Right. Not limited to the
23 MOU.

24 MS. MARTINEZ: Correct, and that's where
25 I was going at next. So I think moving forward there

1 has to be conversations between the city and county
2 beyond this 10-year MOU and the services that they are
3 already getting from LAHSA as it pertains to operations.
4 And so, whether it's a brick and mortar perspective or
5 other housing accommodations, I think we want to have an
6 understanding what are you all willing to bring to the
7 table. And maybe you're not able to have that
8 conversation now.

9 But eventually we have to have that so
10 that there is an understanding that the city of LA, as
11 it moves forward to house its unsheltered population,
12 that they're going to have sufficient amount of
13 resources and backing from the county to make sure that
14 this does happen.

15 MR. MARCUS: And it is the city's
16 expectation --

17 MS. MARTINEZ: The city's expectation.

18 MR. MARCUS: -- based on what has
19 happened in the past --

20 JUDGE CARTER: Yeah.

21 MR. MARCUS: -- that for the facilities
22 that the city builds for housing, whatever those
23 facilities may be, they have to be matched with the
24 commensurate amount of services --

25 JUDGE CARTER: Right. Right.

1 MR. MARCUS: -- from the county because a
2 bed doesn't do any good if it's not going to be
3 serviced.

4 JUDGE CARTER: Yeah. And Marcus, you hit
5 it right on the button. What my concern was and the
6 reason that we're raising this is when we saw this ramp-
7 up of the recreational centers in the early portion,
8 everybody was going like this.

9 MR. MARCUS: Well, you saw the LAPD guys
10 with the thermometers.

11 JUDGE CARTER: Yeah.

12 MR. MARCUS: Right.

13 JUDGE CARTER: And so, without fault-
14 finding about who owed who what, you heard me constantly
15 say, well, where are the -- the mental health people
16 were there. But where are the medical people? And then
17 I saw LA start to hire and have to hire privately.

18 And I didn't know if that was supposed to
19 come through LAHSA at the time or as the county pointed
20 towards and said, well, that's not us and, you know,
21 we're reserving our people. And the city then pointed
22 towards the county and said, well, they're supposed to
23 be providing services. But we had to step up.

24 I don't want to go through that mass
25 confusion. I don't want to go through that property by

1 property. So remember, from the Court's perspective, I
2 don't care. In other words, I just make the order and
3 then hold you in contempt.

4 So I'm asking you to work that out
5 between the two of you. And I can't go through the
6 finger pointing about services. And that's what Michele
7 and I are asking. Sort that out for us so we don't have
8 to on the back side because I know you can. Okay. And
9 maybe we have to get farther down the line to even have
10 this conversation.

11 MR. YOUNG: Yeah. I know we started
12 today the conversation on property and what's the
13 housing.

14 MS. MARTINEZ: Yeah.

15 JUDGE CARTER: Yeah.

16 MR. YOUNG: Like that's the starting
17 point.

18 MS. MARTINEZ: Correct.

19 MR. YOUNG: And from there, we need to
20 figure out kind of what is the -- what are the
21 operational needs and who's responsible for payment.
22 It's not going to be a hundred percent county. It's not
23 going to be a hundred percent LAHSA, right?

24 JUDGE CARTER: Right.

25 MR. YOUNG: So we just need to figure out

1 what housing is going to come online, who's it going to
2 support.

3 JUDGE CARTER: But you have to do that.
4 I'm not going to do that for you.

5 MR. YOUNG: Correct.

6 JUDGE CARTER: I'm not going to come down
7 here and get into this bureaucratic nightmare that
8 you've created. You have to sort that out now, just
9 like Caltrans better sort this out with the city and
10 better sort this out with the county in terms of these
11 underpasses and overpasses.

12 I'm not chasing every piece of property
13 now. I'm suggesting a humane way to do it. But you're
14 going to sort that out. Okay. Let's do this --

15 MR. PADILLA: Your Honor, I apologize.
16 But I have --

17 JUDGE CARTER: Well, you wanted to make a
18 presentation. Why don't you talk to your counsel and
19 see if you still wanted to make a presentation and we
20 can --

21 MR. YOUNG: I think we can -- we were
22 talking about properties. I think we can --

23 MS. MARTINEZ: Okay.

24 JUDGE CARTER: Okay. Then let's do this.
25 In good faith, let's come back on Friday at 10 o'clock,

1 okay? Michele, do you have anything else?

2 MS. MARTINEZ: No.

3 JUDGE CARTER: No.

4 MS. MITCHELL: Can I -- can I ask Friday
5 for Friday at 10:00? Originally we had talked about
6 starting sitting negotiations Friday. Are we going to
7 be doing that Friday as well or is that just to talk
8 about the freeways?

9 JUDGE CARTER: I don't think it's going
10 to take very long at 10 o'clock. So why don't you start
11 sitting the negotiations -- in fact, what are my hours -
12 - at 6 a.m. We can meet at 8 o'clock in the morning for
13 our report and then you can go -- or 9 o'clock. And
14 then you can go into your conference with the city.

15 But I'd like to get that process started.
16 And I just don't think it's going to take very long
17 because I'm going to publish my order. In fact, I'm
18 going to do it today so you have it in written form so
19 you can take it back to your respective parties and
20 you're not having to relay what I say. It'll be in
21 writing for you, okay?

22 But I'll simply set the next date for
23 Friday at 10 a.m. And I will not hand down the final
24 injunctive relief. I will wait to see what property
25 level you have. But this will be an injunctive relief,

1 by the way. This is really going to be the order, okay?
2 Understood? Need clarification? You want me to read it
3 again?

4 MR. YOUNG: As long as it says requests,
5 we're happy.

6 JUDGE CARTER: I can read it again to you
7 verbatim if you'd like.

8 MR. YOUNG: No.

9 JUDGE CARTER: But this is going to be
10 the order I issue. And in a sense, by issuing it, the
11 only thing I'm doing is giving you time to start
12 cooperating with me to start getting a reasonable time
13 schedule.

14 But this is going to be the order we're
15 operating under, okay? Okay. Well listen, I want to
16 humbly thank you. Michele, thank you.

17 MS. MARTINEZ: You're welcome. Thank
18 you.

19 JUDGE CARTER: Anything further?

20 MS. MARTINEZ: No, Judge.

21 JUDGE CARTER: Well then let's get down
22 to business, okay? Strike that. What time on Friday?

23 MR. YOUNG: Ten o'clock.

24 MR. MARCUS: Ten o'clock.

25 JUDGE CARTER: Well, does that give you

1 enough time for negotiations?

2 MR. MARCUS: No.

3 JUDGE CARTER: No. I know it's a start.

4 MS. MARTINEZ: Yeah. Yeah.

5 MR. MARCUS: No.

6 JUDGE CARTER: Well, why are we meeting
7 on --

8 MS. MARTINEZ: But I think just to focus
9 on the housing and the properties is a good start.

10 JUDGE CARTER: Well, why don't we just
11 meet at 9 o'clock then for God's sakes --

12 MS. MARTINEZ: Yeah.

13 JUDGE CARTER: -- and get off to a decent
14 start so we can start with the negotiations at 10:00 or
15 11:00.

16 MR. MARCUS: You don't have to deal until
17 --

18 MS. MARTINEZ: You've got to deal with
19 that. And I --

20 MR. MARCUS: It lets me know what
21 property to build.

22 MS. MARTINEZ: Yeah. Exactly.

23 MR. YOUNG: Remember, Your Honor, before
24 you said maybe Friday or Monday would be a good time to
25 start and if you could --

1 JUDGE CARTER: Well no, Friday's a great
2 time to start.

3 MR. YOUNG: If I'm working with LAHSA to
4 get the numbers you need for Friday at 10:00 --

5 JUDGE CARTER: She'll have the numbers
6 for me. She's going to say 2,000 people or 1,500 people
7 are living under the freeway. And you haven't had time
8 to sort out who those are yet. And then we're going to
9 work together on a couple of dates and see what's
10 reasonably from your perspective, Heidi --

11 MS. MARSTON: Okay.

12 JUDGE CARTER: -- in terms of teams, et
13 cetera, based upon those numbers. And hopefully those
14 locations, they'll be listening. Number two, I want to
15 take into account the COVID dilemma. Are we going to
16 kill people by displacing them? No. We're not going to
17 do that, okay? We're not going to do that.

18 And number three, I want to hear what
19 lots we have available. I am utterly confused by
20 exhibit A and what lots are literally available or what
21 housing is literally available. You guys tell me that.
22 And I think by Friday you should be able to tell me that
23 after 20 years, okay?

24 MS. MITCHELL: Can I ask a clarification,
25 Your Honor? I know -- sorry. I used the bad word,

1 clarification, I know. Scott, are you saying that the
2 city is not in a position to start negotiating on
3 Friday?

4 JUDGE CARTER: Well, tell me. If you're
5 not in a position, just tell me.

6 MR. MARCUS: How about -- how about this?
7 Why don't you send me whatever the current version of
8 term sheets are based on the negotiations with the
9 county and the --

10 MS. MITCHELL: I did that.

11 MR. MARCUS: What?

12 MR. MCLAIN: It's a totally separate --

13 MS. MARTINEZ: Have you guys submitted
14 it?

15 MR. MCLAIN: It's a totally separate
16 thing.

17 MS. MITCHELL: Separate.

18 MS. MARTINEZ: Yeah. Totally separate.

19 MS. MITCHELL: What we're talking about
20 with the county is just unincorporated hearings. It's
21 totally separate --

22 MR. MCLAIN: Totally.

23 MS. MITCHELL: -- than what we're doing
24 with the city.

25 MR. MARCUS: Well, it'll give me an idea

1 of what the parties are interested in.

2 MR. MCLAIN: Well, she gave you an
3 agreement.

4 MR. MARCUS: Yeah. But now it's had the
5 benefit of being vetted by the advocates.

6 MR. MCLAIN: No. We haven't even focused
7 on that agreement that she provided. Ours is totally
8 separate. It's totally different.

9 MS. MITCHELL: Yeah. That was a
10 nonstarter, so.

11 MR. MARCUS: Okay.

12 JUDGE CARTER: What's the time? I'm
13 trying to be courteous. Give me a time. If you don't,
14 it's going to be 8 o'clock.

15 MR. YOUNG: We just need to get into a
16 room and negotiate.

17 MS. MARTINEZ: Yes.

18 MR. MARCUS: Ten o'clock.

19 MS. MARTINEZ: I agree. So I think by
20 Friday you all need to get into a room and start the --
21 and I think I tried to start that with you all to focus
22 on the first two things before you could even move
23 towards services and funding is the housing
24 accommodations, what that structure's going to look
25 like.

1 I think you all can work off this
2 document on the identification of units, bed per type,
3 all of that. I didn't want to go into all of that with
4 you all. That's something that you all have to discuss.

5 And then obviously I think if we can talk
6 about that and then the properties that may be feasible,
7 that's a good starting point so that then the county can
8 start realizing, okay, what housing accommodations are
9 going to be on this property. These are the types of
10 services and/or operations we will be able to provide.
11 Is that a correct statement or not?

12 MR. YOUNG: As well as the properties
13 that the county is developing within the city that help
14 alleviate the burden to the city.

15 MS. MARTINEZ: Agreed as well. Both.
16 Both properties.

17 MR. YOUNG: So, yes.

18 JUDGE CARTER: Eventually, eventually I
19 want Mike Moore, the police chief. But we'll talk about
20 that, okay?

21 MS. MARTINEZ: And have you shared the
22 exhibit of the properties with --

23 MR. YOUNG: Yeah. We publicly filed our
24 --

25 MS. MARTINEZ: You filed that publicly as

1 well?

2 MR. YOUNG: -- list of interim. So --

3 MS. MARTINEZ: Okay. So you guys have
4 the county properties as well.

5 MR. YOUNG: Yeah.

6 JUDGE CARTER: So we did a full and
7 productive day, then.

8 MS. MARCUS: Is that the one you filed
9 last night?

10 MS. MARTINEZ: Yeah.

11 JUDGE CARTER: We meet at -- we meet at 8
12 o'clock for this portion and can you plan on starting
13 your negotiations with the city at 10 o'clock? And I'll
14 know whether we're settling with the county or not by
15 5:00 to midnight tomorrow night. Fair enough? Eight
16 o'clock?

17 MR. MARCUS: Your Honor, I suggest we
18 leave it at 10 o'clock. I suggest we leave it at 10
19 o'clock on Friday. I'll work with Liz offline as soon
20 as we leave and we'll start there.

21 MS. MARTINEZ: And this just for
22 negotiations for the city and county. And Heidi, how
23 much time do you need Friday to get us the answer about
24 what the tentative -- what the population is going to be
25 on highways and overpasses and underpasses?

1 JUDGE CARTER: At least for sanitation,
2 how many people can you --

3 MS. MARSTON: I think that's what we were
4 targeting, Friday at 10:00.

5 MS. MARTINEZ: Friday at 10 a.m. as well?

6 MS. MARSTON: That's what we --

7 MS. MARTINEZ: Okay.

8 MS. MARSTON: Yeah.

9 MS. MARTINEZ: Fantastic. Great.

10 JUDGE CARTER: All right. Ten in the
11 morning.

12 MS. MARTINEZ: Great.

13 JUDGE CARTER: Yeah. Okay. Okay. Thank
14 you very much.

15 COURT REPORTER: The time is 2:48 p.m.
16 We are off the record.

17 (Whereupon, at 2:48 p.m., the proceeding
18 was concluded.)

19

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CERTIFICATE OF NOTARY PUBLIC

I, AUSTIN CHE, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

AUSTIN CHE

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parties hereto, nor financially or otherwise interested
in the outcome of this action.

A handwritten signature in black ink, appearing to read "Bj. Graham", is centered on the page.

BENJAMIN GRAHAM

[& - able]

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